

THE CASE

of

N. P. Vitvitsky, V.A. Gussev, A. W. Gregory, Y. I. Zivert, N. G. Zorin, M. D. Krashenninnikov, M. L. Kotlyarevsky, A. S. Kutuzova, J. Cushny, V. P. Lebedev, A. T. Lobanov, W. L. MacDonald, A. Monkhouse, C. Nordwall, P. Y. Oleinik, L. A. Sukhoruchkin, L. C. Thornton, V. A. Sokolov

CHARGED WITH

WRECKING ACTIVITIES **at Power Stations in the Soviet Union**

HEARD BEFORE THE

SPECIAL SESSION OF THE

SUPREME COURT OF THE U.S.S.R.

In Moscow, April 12-19, 1933

TRANSLATION

OF THE OFFICIAL VERBATIM REPORT

VOL. III

Sessions of April 16-19, 1933



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PROCEEDINGS OF THE SPECIAL SESSION OF THE
SUPREME COURT OF THE U.S.S.R.

MORNING SESSION, APRIL 16, 1933, 10:30 a.m.

Commandant: Please rise. The Court is coming.

The President: Please be seated. The session is resumed.

We have heard the request of both sides to include a number of documents in the exhibits of the Court. The Special Session has come to the following conclusion: The request of the Defence to include the notebook of the office of Metro-Vickers from 1928 is not granted, because the documents in this notebook have no signatures.

The other requests, by the Prosecution to include a number of certificates and personal dossiers of various accused in connection with their imprisonment, and by the Defence to include the other documents – are granted.

What questions has the Defence to put to the Commission of Experts?

Kommodov: May I read them out?

The President: You may.

Kommodov: Questions put by accused Monkhouse:

1) Could a piece of metal found under a valve get into a turbine when there is a safety net on the steam chest?

2) Could the quality of the installation work on a generator be the cause of the varnish dripping from the stator, since the winding of the stator is done at the works and the stator is sent complete?

3) Does the Commission of Experts consider that the heating of the generator at the Chelyabinsk Electric Power Station was normal and in agreement with technical norms, if we take into account the investigation made by the All-Union Electrical Institute?

4) Does the Commission of Experts consider that the Metro-Vickers 24,000 kw. turbo-generators, installed at the Ivanovo Electric Power Station showed, on testing, the steam consumption guaranteed by the firm?

5) Does the Commission of Experts consider that the measures taken by the staff of the firm to remove defects in the blade setting were sufficient?

6) Does the Commission of Experts know that the safety valve

arrangement on the regenerative feed-water heater for Metro-Vickers turbines is used in foreign stations and works satisfactorily?

7) Can it be considered big damage if the pressure regulator on the second transformer group of the First Moscow Power Station was put into operation within eight hours after the breakdown?

8) Are the representatives of the firm who install a turbo-generator responsible for the state of the drain channel at the Orekhovo-Zuevo Station?

9) Can the representatives of Metro-Vickers be regarded as being responsible for the bad condition of the insulation in the rotor leads on the generators at the First Moscow Power Station, if it is remembered that all the electrical connections were made by Russians and from Russian materials?

10) Does the Commission of Experts know that house turbine No. 17 at the First Moscow Power Station was not supplied by Metro-Vickers?

These are the ten questions.

The President: Has the Defence any further requests?

Libson: To establish the social origin of Kotlyarevsky, I request that a document testifying to the origin of Kotlyarevsky's father be added to the documents in the case.

The President: Have the other Counsel for the Defence any request?

Defence: No.

The President: Have the accused any request?

Accused: No.

The President: Are there any more questions to put to anyone? Have the other Counsel for the Defence any questions for the Commission of Experts?

Defence: No.

The President: How much time does the Commission of Experts require to give its opinion?

Experts: It depends on the questions. If it is to be an opinion on all the questions which we have heard here, we shall have to obtain additional material and this will determine the amount of time required for the reply.

Vyshinsky: Ten questions have been put to the Commission of Experts. The Prosecution do not object to eight of them. With regard to two questions, the Prosecution object on the following grounds. Point 8 – "Are the representatives of the firm who install a

turbo-generator responsible for the state of the drain channel at the Orekhovo-Zuevo Station?" (p. 52) In the first place, there is an inaccuracy in the formulation – not "who install," but "who installed," because we are not discussing installation work carried on at the present time by the representatives of the firm. If it means "who installed" then it should state what installation work, where, when, and in what period of time. There is a reference to page 52 of the indictment. There is no reference at all there to the representatives of the firm, and besides, the main thing is that we are not trying the representatives of the firm as such, or the firm itself.

Kommodov: I have in view individual representatives.

Vishinsky: Counsel *Kommodov* is violating the order of procedure – individual persons employed by the firm on installation work are being tried here. For the reasons that I have had the honour to submit to the Court, the Prosecution object to an answer being given to point 8.

Point 9. "Can the representatives of Metro-Vickers be regarded as being responsible for the bad condition of the insulation in the rotor leads on the generators at the First Moscow Power Station, if it is remembered that all the electrical connections were made by Russians and from Russian materials?" (p. 53) There are two facts to which attention must be directed. First, a question cannot be put conditionally without first examining the facts, etc. It is necessary to establish what equipment there is and who installed it. Secondly, on page 53 of the indictment it says literally regarding these facts: "The bad insulation on the rotor leads systematically led to the stoppage of the generators." Consequently this question is not repeated and is not identical with the question in the indictment put as a definite thesis. It does not raise the question as to who is responsible and whether the representatives of Metro-Vickers are responsible, but it states a fact that was established by the Commission of Experts, and therefore, it is necessary to examine the dossier which contains the report of the investigation and which refers to the breakdown.

On these grounds the Prosecution object to point 9.

Kommodov: All these are general remarks. It was not at all my intention to speak about the firm as such. I spoke of individual representatives, who are being tried in the present case.

Vyshinsky: Representatives are not being tried. Citizens are being tried.

Kommodov: But their official position is that of representatives,

especially Monkhouse. I understand, of course, that individual representatives cannot compromise the whole firm. That is quite clear. Therefore, I did not speak of the firm as such.

As for question 8, at the investigation, as you will remember, the condition of the drain channel depended to a considerable degree on building work. That is why this gave me grounds to support the request of accused Monkhouse to put this question. The Commission of Experts will understand this question. A mistake in formulation or a typist's error does not change the general nature of the question. It is clear and plain, and material on this question was presented at the trial. Therefore, it seems to me, such a question may be put.

As for question 9, it was put in a conditional form. We expected that the experts would have material on this question and that they would know, or could find from the documents, who did the installation work. Therefore, I think that in the present case the request of accused Monkhouse can be granted and all the ten questions be submitted to the Commission of Experts.

Dmitriev (Member of the Court): Accused Monkhouse, you asked this question: "Does the Commission of Experts consider that the Metro-Vickers 24,000 kw. turbo-generators, which were installed at Ivanovo Power Station showed, on testing, the steam consumption guaranteed by the firm?" Were these turbo-generators tested?

Monkhouse: Yes.

Dmitriev: Is there a report on these tests?

Monkhouse: Yes. .

Dmitriev: Accused Monkhouse, on the fourth question, the Court wishes to know which part of the indictment you refer to when you ask the question: "Does the Commission of Experts consider that the Metro-Vickers 24,000 kw. turbo-generators installed at the Ivanovo Power Station showed, on testing, the steam consumption guaranteed by the firm?"

Monkhouse: It is page 39.

Dmitriev: Read it out, please.

Monkhouse (Reads): "The work of the unit when the regulation was not in order," concludes the Commission of Experts, "could either lead to serious breakdowns or increase their number."

Dmitriev: But this is under a heading which says: "Unreliable regulation of the turbines which from the time they were put into

operation did not attain the required efficiency and did not ensure normal operation,” that is, the turbine did not conform to the guarantee on steam consumption and did not conform to the guarantee on regulation.

You evidently understand the regulation guarantee as a guarantee of the dependence of steam consumption on load.

Monkhouse: Perhaps it was somewhat improperly formulated, because on testing for steam consumption, we simultaneously tested the regulation, from all sides.

Dmitriev: How would you like to alter the formulation?

Monkhouse: You could just leave it as it is or simply say: “Was the guarantee for steam consumption conformed to?”

Dmitriev: If you leave this formulation, will it be correct? It would be more exact to say: “Does the Commission of Experts consider that the Metro-Vickers 24,000 kw. turbo-generators installed at the Ivanovo Power Station, passed the regulation tests?” because the indictment speaks only of the regulations.

Monkhouse: I must explain why this is so. In English, “consumption” tests mean testing the consumption of steam. That is why the mistake in the formulation occurred.

Dmitriev: You don’t object to this formulation?

Monkhouse: I don’t mind.

The President: The Court puts the following questions to the Commission of Experts.

1) Could a piece of metal found under a valve get into a turbine when there is a safety net on the steam chest? (p. 30)

2) Could the quality of the installation work on a generator be the cause of varnish dripping from the stator, since the winding of the stator is done at the works and the stator is sent complete? (p. 31)

3) Does the Commission of Experts consider that the heating of the generator at the Chelyabinsk Electric Power Station was normal and in agreement with technical norms, if we take into account the investigation made by the All-Union Electrical Institute? (p. 31)

4) Does the Commission of Experts consider that the Metro-Vickers 24,000 kilowatt turbo-generators installed at the Ivanovo Electric Power Station passed the regulation tests? (p. 39)

5) Does the Commission of Experts consider that the measures taken by the staff of the firm to remove defects in the blade setting were sufficient? (p. 39)

6) Does the Commission of Experts know that the safety valve

arrangement on the regenerative feed-water heater for Metro-Vickers turbines is used in foreign stations and works satisfactorily? (p. 41)

7) Can it be considered big damage if the pressure regulator on the second transformer group of the first Moscow Power Station was put into operation within eight hours after the breakdown? (p. 50)

8) Does the Commission of Experts know that house turbine No. 17 at the First Moscow Power Station was not supplied by Metro-Vickers Company? (p. 53)

Questions 8 and 9, as originally enumerated by Counsel for the Defence, are deleted because the Court is not trying the firm, nor is it trying individual representatives of the firm but is trying individual British and Soviet citizens on charges of committing definite actions provided against by our Criminal Code.

How much time does the Commission of Experts require?

Experts: Replies can be formulated and given to the Court on all questions except 3 and 4, in an hour's time. On questions 3 and 4, as there is no report of the test of the generators or turbines, the reply can be given within an hour after we obtain those documents.

The President: Where will the documents be obtained?

Experts: From Orgenergo and the Soviet Electric Institute.

Vyshinsky: Perhaps the Supreme Committee on Power Supply could be applied to at once?

Experts: An hour after we receive the documents, we can give the reply.

The President: So as not to drag out the Court procedure today, if there are no further questions, the Court proposes without declaring the Judicial Investigation closed, to adjourn until 7 o'clock in the evening. After this the conclusions of the experts will be heard, and after a short recess we can take the pleas of the parties at eight o'clock.

Vyshinsky: I have no objections.

Kommodov: We would like an adjournment until tomorrow morning so as to give us time to prepare.

The President: Are there any additional questions to put to the accused?

Vyshinsky: I have none.

Schwartz: I have one question for Zorin.

Accused Zorin. You explained to the Court that Thornton suggested you should join a counter-revolutionary organization and

become a member of it during the fifth and last meeting. Do you confirm that?

Zorin: Yes.

Schwartz: This happened in November 1932?

Zorin: Yes.

Schwartz: When did you receive 1,000 rubles from him?

Zorin: At that meeting.

Schwartz: You mean...?

Zorin: It was about the middle of November.

Schwartz: When did you take your vacation in 1932?

Zorin: December 27.

Schwartz: Did you return to your work?

Zorin: I did not, I was arrested.

Schwartz: You did not return to your work and you were arrested. Let me ask the last question. Were the thousand rubles given you for concrete wrecking work which had already been carried out, or for future work?

Zorin: For future work.

Schwartz: You received 1,000 rubles for wrecking work in the future. Had you time to carry it out?

Zorin: No.

Schwartz: This is a question of connections. Thornton had not returned?

Zorin: No.

Schwartz: So after his departure you did not see him?

Zorin: No.

The President: Are there any more questions?

Vyshinsky: No.

The President: The Court is adjourned until 7 o'clock.

(At 11:00 a.m. the Court adjourns until 7 p.m.)

[Signed] V. V. ULRICH

President of the Special Session of the
Supreme Court of the U.S.S.R.

A. F. KOSTYUSHKO

Secretary

EVENING SESSION, APRIL 16, 1933, 7:20 p.m.

Commandant: Please rise. The Court is coming.

The President: Please be seated. The session is resumed.

Has the Commission of Experts formulated its opinion?

Commission of Experts: We have the minutes.

The President: Read them, please.

Golubtsov: The Commission of Experts were given eight questions on which they have come to the following conclusions.

Question No. 1: Could a piece of metal found under a valve get into a turbine when there is a safety net on the steam chest? (page 30)

Answer: The Commission considers that under very unfavourable conditions it is possible that pieces of metal found under the valve and in front of the safety net, could in time under the influence of the passing current of steam, partially destroy the net and penetrate the turbine. Nevertheless, the Commission considers that the main danger from the iron entering under the valve lay in the fact that the iron did not permit the complete closing of the stop valve. In the case of the main regulating arrangement refusing to work, when the load was being thrown off (which is not unusual with the Metro-Vickers turbine) the speeding up of the machine must be forestalled by means of the closing of the stop valve. The impossibility of its closing on account of the pieces of metal finding their way into it, could be a reason for a large speeding up of the turbine and even a breakdown.

Question No. 2: Could the quality of the installation work on a generator be the cause of the varnish dripping from the stator, since the winding of the stator is done at the works and the stator is sent complete?

Answer: The quality of the installation of the generator, in conditions where it has been sent complete from the works, cannot be the cause of the varnish dripping out. Nevertheless, errors in the assembly and installation of the generator ventilation and of the equipment connected with the ventilation may cause the temperature of the stator winding to rise, as a result of which the drip of varnish will increase.

Question No. 3: Does the Commission of Experts consider that the heating of the generator at the Chelyabinsk Electric Power Station was normal and in agreement with technical norms, if we take

into account the investigation made by the All-Union Electrical Institute? (page 31)

Answer: According to the agreement between Arcos and Metro-Vickers in regard to the generator of the Chelyabinsk Station, the maximum increase in temperature above the temperature of the surrounding air (35° C.) with a maximum protracted load of 24,000 kw. (30,000 kw. amperes), should not exceed: for the stator winding, when measured with a thermometer, 50° C. and when determined by the resistance method – 80° C. (for the rotor winding when determined by the resistance method – 80° C.).

During the testing of generator No. 2 at the Chelyabinsk Power Station, carried out by the All-Union Electrical Institute from June 11 to 27, 1932, it was ascertained that, in regard to the heating of the copper of the rotor and the iron of the stator, the generator came up to the standards of the Association of German Engineers (VDE) but in regard to the heating of the copper of the stator the generator does not comply with these standards of the Association of German Engineers (VDE): also in regard to the heating of the copper of the stator, the generator does not satisfy the technical conditions of the agreement since the temperature increase of the winding of the stator when measured with a mercury thermometer instead of the 50° permitted by the agreement, reached 60° at a stator current of 1,541 amperes. Consequently, for a nominal stator current of 1,578 amperes, the temperature increase would be even larger.

Question No. 4: Does the Commission of Experts consider that the Metro-Vickers 24,000 kw. turbo-generators installed at the Ivanovo Power Station passed the regulation tests? (page 39 of the Indictment)

Answer: On the basis of the materials examined, which were placed at the disposal of the Commission of Experts, the latter has ascertained that:

1. According to the agreement the change in the number of revolutions for an instantaneous throwing-off of the load from full load to no load should not exceed + 5 per cent and + 3 per cent for the steady state.

2. For an instantaneous throwing-off or for a change of 25 per cent from full load, the number of revolutions should not exceed + 5 per cent and + 2 per cent for the steady state. -

3. On October 22, 1931 (see the record of November 12, 1931), representatives of the Ivanovo Power Station in the presence of the

firm's representative Shipley, carried out tests of the regulation of turbine No. 2 for the throwing-off of the load and in all cases the number of revolutions rose approximately to 3,300 R.P.M. and the safety valve came into action.

4. At the technical conference on December 11, 1931, in the presence of the firm's representative Thornton, the following defects were noted in the regulation of the turbines:

a) The necessity of hand regulation by means of the bypass valve on the steam pipe at no load, for the maintenance of a constant number of revolutions.

b) The increase in the number of revolutions above 5 per cent for a partial throwing-off of the load (10-15,000 kw.) and the switching off of the machine by the automatic safety device.

5. In the report regarding the tests of turbines Nos. 1 and 2 carried out by the Orgenergo in January 1932, the following was pointed out in regard to the regulation of the turbine.

a) When throwing off 17,000 kw. of turbine No. 1 the automatic safety devices began to act. The increase in the number of revolutions during this test amounted to 7 per cent.

b) During the test of the automatic speed regulating device for the same machine, by means of an artificial increase in the number of revolutions through tightening the valve sleeves, the automatic safety device began to act when the number of revolutions increased by 9.5 per cent.

c) On turbine No. 2 for a load throw-off of 60,000 kw. the increase in the number of revolutions amounted to 7 per cent.

d) For a load throw-off of 11,600 kw., for the same machine, the number of revolutions increased by 6 per cent.

The measurements of the increase in the number of revolutions for the throwing-off of the load, as well as during the test of the automatic safety device was carried out by means of a previously calibrated tachograph (recording tachometer). (The tachograms of these tests are in the materials.)

On the basis of the above, the Commission of Experts notes the unsatisfactory work of the regulation of both machines and considers that the "guarantee in regard to the regulation has not been carried out."

Question No. 5: Does the Commission of Experts consider that the measures taken by the staff of the firm to remove defects in the blade setting were sufficient? (page 39 of the Indictment)

Answer: On the basis of the memoranda and materials examined, which record the breaking of the blade setting of the turbines at the Ivanovo Power Station and other stations, and also on a basis of the examination of the materials relating to the design and stress analysis, the Commission comes to the conclusion that the measures which were taken for the elimination of these defects were not sufficient. The design of the blades is unsafe, since the blades are weak, have excessive stresses due to steam loading and break as the result of metal fatigue caused by resonance vibrations. The introduction of a restraining wire serves only as a palliative measure directed to the bettering of the working conditions of the blades by preventing the resonance of one of the types of tangential vibrations of blades (*i.e.*, one definite order of tangential vibrations).

Having in mind the possible resonance of axial vibrations, the excessive stresses in the blades of the given design due to axial vibration and the insignificant effect of the wire on the axial vibration, it is necessary to recognize that the installation of blades with wire bindings, as well as the installation of new blades of the same design, in place of the broken ones (which has been practiced several times) is an insufficient measure.

The Commission would consider an effective measure to be the radical redesigning of the blade setting in the direction of a considerable reduction of the stresses in the active blades in order to avoid the fatigue of the metal with the existing vibrations of the turbine blades.

Question No. 6: Does the Commission of Experts know that the safety valve arrangement on the regenerative feed-water heater for Metro-Vickers turbines is used in foreign stations and works satisfactorily? (Page 41 of the Indictment.)

Answer: The Commission of Experts does not have at its disposal documents corroborating the reliable and irreproachable work at foreign stations of the safety valve arrangement for the feed-water heater of the Metro-Vickers turbines. Nevertheless, the available materials regarding the work of the safety valve arrangement of the feed-water heater No. 2 for the 24,000 kw. turbine at the Ivanovo Power Station testify to cases when the device refused to work during the filling-up of the heaters with water (the float of the device filled up with water and did not work).

This circumstance testifies to the unreliable work of the safety device at the Ivanovo Power Station.

Question No. 7: Can it be considered big damage if the pressure regulator on the second transformer group of the First Moscow Power Station was put into operation within eight hours after the breakdown?

Answer: During the breakdown with the regulator of the second 47,000 kw. transformer group at the First Moscow Power Station which took place on October 1, 1932 (Mosenergo memorandum of April 16, 1933), four bushings of the oil throw-over switch, the throw-over switch contacts and the contacts of the oil circuit breaker were damaged. The transformer was equipped with Translay's safety device. The relay was tightened up too much and during the breakdown the transformer safety device did not work and the generator, used in the test, was switched off by hand.

The Commission of Experts finds that;

1. The damage to the equipment at the breakdown did not assume extensive proportions.

2. The interruption in the work of the transformer group was approximately 8 hours.

3. Part of the damaged equipment was replaced from stock at the station and a part, due to the lack of parts in stock, was remounted after being cleaned and repaired.

Nevertheless, the Commission of Experts considers that:

(1) An interruption in the work of such a large unit as the 47,000 kw. Transformer group even for a few hours may cause great disorganization in the electric power supply system.

(2) If the transformer group, during its trial connection to the circuit, had not been gradually loaded from a specific generator but had been directly placed under a load, the extent of the breakdown would have been considerably larger, the damage to the equipment considerably more serious and would have caused the discontinuation of the work of the transformer group for a considerable period.

Question No. 8: Does the Commission of Experts know that house-turbine No. 17 at the First Moscow Power Station was not supplied by Metro-Vickers? (Page 53 of the Indictment.)

Answer: The Commission of Experts knows that house turbine No. 17 at the First Moscow Power Station is not one supplied by the Metro-Vickers firm.

Members of the Commission of Experts:
Golubtsov
Brailo

Novikov

Ulatov

Snetkov

Smirnov

The President: Has the Defence any questions?

Defence: No.

The President: Has the Prosecution any questions?

Roginsky: No.

The President: Accused Monkhouse, have you any questions to put to the Commission of Experts?

Monkhouse: I have no questions but I consider that it is not all quite correct; there are certain points which are debatable. I think that there is room for argument with the Commission, but this is not the place for an argument. If cases occurred when we did not carry out the guarantee, if there were such cases, they should have been made known to our firm through the Electro- Import and Arcos. I think that in this decision there is room for argument.

Roginsky: I cannot hear Monkhouse well.

The President: The accused Monkhouse said that there are certain points in the conclusions of the Commission of Experts which are debatable.

Roginsky: I presume that if accused Monkhouse has a basis for refuting any assertion made by the Commission of Experts, it will be necessary to do so immediately at this session; moreover, this refutation must relate to the concrete facts of the charges against Monkhouse. We have repeatedly pointed out here, and the Court has borne us out in this, that the questions connected with the supply of equipment by the firm generally are not the subject of the investigation by this Court. We are exclusively investigating the concrete facts of the crimes charged to each one of the accused sitting in the dock. Only from this point of view can the conclusions of the Commission of Experts be considered.

Monkhouse: If the conclusions of the Commission of Experts must be considered from this point of view, I have no more questions, since I think that you will agree that in the majority of cases the answers given by the Commission of Experts point to defects which could not in any way be attributed to the accused. .

Roginsky: This is a question of the evaluation of the facts and this evaluation will be made in the argument between the parties in the case.

The President: Has the Prosecution any additional questions?

Roginsky: No.

The President: Applications to the Court?

Roginsky: No.

The President: Has the Defence any questions?

Smirnov: Permit me to ask the accused MacDonald two questions of a purely biographical character.

The President: You may.

Smirnov: I want to ask MacDonald – when, at what age did your leg begin to hurt. You injured it, fractured it? How long were you deprived of the use of this leg without some kind of appliance?

MacDonald: Five years.

Smirnov: You wore an appliance from when you were eleven until you were sixteen?

MacDonald: Yes.

Smirnov: In your family there are also two sisters and a brother. The brother is still quite young, and the sisters are a bit older, or is it that the brother is older and one of the sisters is quite a young girl?

MacDonald: One sister is 26 years old, the other is 21. My brother is also 21.

Smirnov: Are they twins?

MacDonald: Yes.

Smirnov: Your brother and older sister are working?

MacDonald: All three are working.

Smirnov: I have no more questions.

Libson: A question to accused MacDonald. Tell me, please, when you worked in Moscow, or when you worked outside of Moscow at other power stations and came to Moscow, did you usually live where all the Englishmen lived, that is, in the hostel?

MacDonald: Yes.

Libson: Did you sleep and eat there, were you there all the time?

MacDonald: Yes.

Libson: I have a question for the accused Oleinik. Tell me, when you worked at the Moscow Power station where did you live?

Oleinik: In a hotel.

Libson: In what hotel?

Oleinik: Minskoye Podvorye.

Libson: Were you often at the Englishmen's hostel?

Oleinik: I was there once. But I was at the office almost every

free day or every other free day – two or three times a month.

Libson: Were you often at the office?

Oleinik: Two or three times a month.

Libson: I have no more questions.

The President: I declare the judicial investigation at an end. After the adjournment we will have the speech of the State Prosecutor, Vyshinsky. I have one question for the Defence. Have you arranged the order in which you will speak?

Libson: Kaznacheyev will speak first, then Schwartz, Pines, Libson, Smirnov, Braude, Dolmatovsky, Lidov, and Kommodov.

The President: The Court will adjourn for half an hour.

*

* *

Commandant: Please rise. The Court is coming.

The President: Please be seated. The proceedings are resumed. Comrade Vyshinsky, the Public Prosecutor.

Vyshinsky: Only a couple of days, perhaps, separate us from the decisive moment when the final summing up of the whole of our work of the past days will be made and when in this summing up the authoritative word of the Supreme Court will be pronounced on this case. Little time separates us from the moment when will be given distinctly, explicitly, clearly, definitely and categorically for the last time in this case the qualification of all the various events that were the subject of examination during our judicial investigation, of the preliminary investigation that preceded it, the qualification of the sum total of those social and political facts which lie at the base of the present trial.

This summing up should be and will be very important, because, even compared with other cases that have come before the Supreme Court in previous years, the present case has exceptional significance; the present case must be characterized as a case which has exceptional, even world significance, as a case upon which the attention of the whole world, of the toilers of this country, of the toilers of all countries, of all our friends and of all our enemies, is concentrated.

All those enemies who are blinded by their class hatred, who are seized with feelings of class enmity and rage; who on the eve of this trial forgot the bounds set by the sovereignty of our State, went

beyond the limits of what is permissible in international relations, and tried to exercise upon the trend of this trial, of this case, moral pressure that revealed that frequently anti-Soviet circles, convulsed in hysterics, lose their necessary and highly extolled coolness and step over the boundaries of what is permissible, and of course receive a proper and deserved rebuff.

I have no doubt that in future, too, they will receive a similarly determined rebuff which will compel them to understand that the land where socialist society is being-built, that the land which fifteen years and more ago threw off the yoke of the capitalists and landlords, will ignore every demand that runs counter to the interests of the proletariat, of the proletarian revolution, of the proletarian dictatorship, no matter whence these attempts may come.

The insolent, arrogant demands of certain foreign circles, as I have said, received a deserved rebuff. And they will receive this rebuff in the future if they for a moment forget that they are dealing with the U.S.S.R., the land of great socialist construction, the land that has won for itself emancipation from its own capitalists and landlords who were abolished by the October Revolution, the land which won for itself State independence, which is becoming more and more consolidated with every year of our existence, on the basis of the great social, economic and political gains of our Great October, on the basis of the magnificent successes achieved by our first Five-Year Plan, on the basis of the great and inexhaustible creative forces of the masses of the toilers of our country which under the leadership of our great Communist Party are building a new socialist society.

We never permitted, we do not permit and never shall permit anyone to interfere in our internal affairs, no matter what manoeuvres, hysterics, cries, noise and clamour they may raise. One cannot refrain just now from recalling the cries and hysteria of certain circles in England who lost their balance, who have not properly understood, or who have totally failed as yet to understand the thought expressed three years ago by Comrade Stalin concerning the "rock" that stands in the way of improving our economic ties with bourgeois states.

At the Sixteenth Congress of the Communist Party, Comrade Stalin in delivering the political report of the Central Committee said:

“It is said, further, that the rock is our Soviet system, collectivization, the fight against the kulaks, anti-religious propaganda, the fight against wreckers and counter-revolutionaries among the ‘men of science’ like the banished Besedovskys, Solomons, Dmitrievskys, etc.

“But this is becoming quite diverting,” said Comrade Stalin, “it seems that they do not like the Soviet system. But then we do not like the capitalist system, we do not like the fact that tens of millions of unemployed in their countries are compelled to starve and live in want, while a small crowd of capitalists own billions of wealth. But since we have agreed,” says Comrade Stalin in this historic political report, “not to interfere in the internal affairs of other countries, is it not clear that it is not worth while reverting to this question? – Collectivization, the fight against the kulaks, the fight against wreckers, anti-religious propaganda, etc., represent the inalienable right of the workers and peasants of the Union of Soviet Socialist Republics, a right fixed in our Constitution. We must and we will carry out the Constitution of the U.S.S.R. with the fullest consistency. It goes without saying, therefore, that those who refuse to have regard for our Constitution can pass on – can go their own way.”

These gentlemen, you see, do not like our Constitution, our Soviet system, our Soviet Court and they express their dislike of our Constitution and our Soviet system and our Soviet Court by slander, insinuation, distortions, falsifications – in a word, by the methods they usually employ to bring “moral pressure” to bear upon public opinion in their own countries, to protect their narrow, crude, cruel, inhuman, capitalist class interests. They do not like our Soviet Court because it is a class court, and they try to slander it by saying that since it is a class court, that is, a court that guards the interests of the working class and of the proletarian State, it is not a court, and that in the country where the court consists of toilers, where the court acts in the interests of the toilers, where the court directs its moral and political influence against the exploiters, against the enemies of the toilers – in that country there is no justice.

Mr. Patrick, as we can judge from the debate that took place in the British House of Commons recently, on the Bill empowering the

government to place an embargo on Soviet goods, declared:

“The whole idea of justice” (apparently in the Land of Soviets, because he was speaking about the Soviet Court), “in fact, is on the basis of class. That fact was brought home to me very vividly in the Supreme Court of Moscow a couple of years ago when I sat through one of these State trials, on a very hard chair looking at an enormous red banner hung behind the judge's table, at which the judges were sitting and smoking. (Mr. Hennon: ‘Judges smoking?’ – Mr. Patrick: ‘Yes.’) Upon the banner,” continued Mr. Patrick, “in large white letters was written, ‘This Court is the organ of the Proletariat.’ That is one of Lenin’s classic remarks; typical of his sayings quoted as text on all occasions. Those words mean precisely what they say. The Court is the organ of the proletariat, and by a simple chain of Communist doctrine... the court is the organ of class war, and exists for that main purpose....”

“But,” Mr. Patrick continued, “the class war itself has long since ceased to be a reality. It was genuine enough, I have no doubt, in the early days of the Revolution and of the civil war.... A long time has passed since then, and the resistance of the bourgeoisie has now been utterly and completely crushed.”

By this, Mr. Patrick wanted to say that, since there is no class war, there is nothing left for the court to do from the point of view of the logic of the communist program which regards and recognizes the court to be an organ that protects the interests of the proletariat.

We have never concealed and do not conceal the genuine class nature of our court, the genuine class tasks which confront our judiciary.

We, always and everywhere, through the mouths of our teachers, and by our constant work on the theoretical and practical sectors of socialist construction, have admitted the class nature of our court as well as the whole of our state; we have never isolated a single one of our tasks from the general and fundamental tasks of realizing and protecting the interests of the working class, and we have never isolated from these tasks the tasks of our juridical reality, of our juridical work.

Lenin, right at the very beginning of the revolution pointed precisely to this really great distinguishing feature of our Soviet justice.

“In place of the old court,” he said, concerning our October Revolution, “it has begun to create a new people’s court, or to put it more correctly, a Soviet Court, built up on the principle of the participation of the toilers and the exploited classes, and only of these classes, in the administration of the State. The new court was necessary first of all for the struggle against the exploiters who are trying to restore the old domination, or to cling to their privileges, or else secretly, by deception, to get back some particle of these privileges.”

The Soviet Court is the court of the Soviet State, the court of the working class; it is the court of the toilers of our country who are carrying out the grand historical tasks of building up socialist society in our country which serves as an example and a model for our class brothers in all other countries who are fighting for their social emancipation.

In contrast to this court, the court in all capitalist countries always was and has remained a court that realizes and protects the interests of the capitalist classes, the classes that exploit and oppress human labour.

“In capitalist society,” says Lenin, “the court was mainly an apparatus of oppression, an apparatus of bourgeois exploitation.”

And when we are told that our Soviet Court is a class court and that you who are sitting in this Court are doing your work unjustly because you stand on the basis of a class doctrine, these utterances are nothing more than the usual attacks which bear witness to the methods of falsification and slander which the exploiters usually resort to in order to gloss over the real class and exploiting nature of their own courts, as well as of the whole of their state.

Certain gentlemen in the House of Commons try to contrast our Court with their court and their justice and point out that between our justice and the justice of England, say, there is this difference that in English courts justice is administered, whereas it is useless seeking for justice in the Soviet Court. For example, Major Hills, speaking in the House of Commons not so long ago in connection

with the Metro-Vickers case, openly said:

“Justice in this country (that is, England) and the procedure in any civilized country, either in America or in any civilized part of Europe, is not comparable with the procedure in Russia.”

Replying to Sir Stafford Cripps, he went on to say:

“...He [Sir Stafford Cripps] always assumes, and puts up, as a dialectical smoke screen, that there is a system of justice in Russia. He knows very well that there is none.”

Major Hills is a brave major if he dares to say that which I unfortunately was obliged to quote at this session of the Supreme Court at the risk of offending your ears. But this major was not badly answered by his own countrymen, by other members of Parliament.

For example, at this very session of the House of Commons, Sir Stafford Cripps said:

“The right honourable and learned gentleman, the Lord Advocate, if he were here, would, I am sure, bear me out in what I say with regard to the Scottish Silks case. It was months after the arrest and release on bail of the Scottish Silks defendants before the charges were fully formulated.”

Whole months passed before the charge alone was fully formulated!

Or take Mr. Kirkwood, who declared that in 1913 the Member for Dumbarton [Mr. Kirkwood] was arrested at 1:30 a.m., thrown into a cell and deported without a trial. He was kept from his wife and family for sixteen months.

It is not I who say this. This is said by Mr. Kirkwood. This is said by Sir Stafford Cripps. This is said by members of the British Parliament, by Englishmen who have not lost their sense of reality and who are able with uncorrupted eyes to see this reality in capitalist countries which mocks at what there is called justice. Nor do these capitalist gentlemen like our court procedure and our trials, which are directed against counter-revolutionaries and wreckers – who always and without fail meet with the warm support, sympathy and protection of definite circles of the bourgeoisie and particularly – I must say this precisely at this trial – of certain definite circles of

the British bourgeoisie.

Speaking about this trial, that is, this very case which is the subject of our present deliberations, Mr. Runciman, the President of the Board of Trade, said:

“The staging of trials such as this on charges of sabotage occurs frequently in Russia. Careful search has been made, and we have been unable to discover a single instance where one of these trials has not resulted in a condemnation.”

What can this mean? It can mean only this, that we do not put people in the dock for nothing. The prosecution authorities and organs of preliminary investigation, before putting any citizen, their own or of another country in the dock on the charge of any crime, very carefully weigh all the circumstances and adopt an extremely cautious attitude towards this act.

But if the British President of the Board of Trade intended to say that not in a single one of these trials can we find a case of acquittal, then this already comes within the bounds of direct misrepresentation of facts. And in order not to dwell on this question too long, in order, in passing, as it were, to refute assertions of this kind, I shall turn to an historical fact concerning one of our great trials, and incidentally, one of our great trials of wreckers, that is – to the Shakhty trial, at which Potemkin, Schtelbrink, Otto and Meyer were acquitted.

Four of the accused in one of the greatest wrecking trials, in a trial of counter-revolution in the Donbas, of a counter-revolutionary organization which tried to blow up our All-Union “stokehold,” to strike a heavy blow at our fuel industry!

After this, how can one say that all our trials end in a conviction? It is true that the President of the Board of Trade talks about the careful preliminary investigations made in order to draw the conclusion which he conveyed to his fellow citizens in the House of Commons. But it must be said that these careful investigations are as obviously defective as some of the turbines supplied by Metro-Vickers, about which citizen Monkhouse spoke here yesterday.

You know that the bourgeoisie have always tried to hide the true class nature of all their institutions, and of such an institution as the Court in particular. I could quote a number of highly authoritative and valuable facts testifying to precisely this historical and con-

stant attempt on the part of the capitalist and exploiting classes to conceal and gloss over the true exploiting nature of their State institutions, and of their courts in particular.

But, Comrade Judges, long, long ago this was well and exhaustively exposed, particularly in regard to the question as to what the much extolled courts even of the English State represent. Marx, in his *English Constitution* gives an analysis with an exhaustive and withering characterization of the class nature of the courts in capitalist countries. He says that:

“English trial by jury as the most perfect form, is the consummation of juridical falsehood and injustice.”

Indeed, what does any court in capitalist countries represent? Speaking of the English courts Marx says:

“Those who are too poor... receive for preliminary perusal only the indictment and the original evidence given before a Justice of the Peace. Hence, he does not know the details of the evidence brought against him (and for the innocent, this is the most dangerous thing of all): he must reply immediately the prosecution has finished and can speak only once. If he has not exhausted everything, if he cannot get witnesses, he is doomed.”

After that we are told that justice reigns precisely in those countries where there is a system which many decades ago called forth the ruthless appraisal given of this institution by the founder of scientific socialism and one of our great teachers, Karl Marx. But many years have passed since then, and every year brings fresh examples which confirm the superb correctness of this appraisal. And today, we could find an incalculable number of such examples.

The sword of class justice is turned against the interests of the toilers and by its nature is not justice. The English weekly, *The New Leader*, characterizes the Meerut trial as the greatest scandal in the sphere of political persecution, the most shameful in the judicial annals of the world.

And who of those who read the press do not know that this monstrous trial has dragged on for four years already during which thirty revolutionaries, Indians and Englishmen, charged with communist activity and with organizing the revolutionary trade union movement, have been literally mocked by class justice? For four

years the preliminary investigations dragged on with its examination with the aid of those methods which were also applied in the recent trial in England of the officer Stewart on the charge of espionage, namely, “the third degree,” by keeping the prisoners in inhuman conditions, by every method of exerting real physical and moral pressure – all these methods were put in operation by this bourgeois, so-called justice, in the defence of which speak bourgeois Members of Parliament, who, from the floor of Parliament, hurl their charges, as unsupported as they are offensive, against the only genuinely free country in the world, against the Land of the Soviets, against the only real justice in the world, the justice of the Soviet Court, which exercises the will of the proletariat that is creating a new life, that is building up a new socialist society.

Nor do these gentlemen like our court procedure, our method of preliminary investigation, to which much attention was devoted in those debates as well as to the whole of this case and to the general questions of our court procedure, which I cannot refrain from dealing with now. During those debates, special reference was made to the fact that according to our method of preliminary investigation the accused has no legal aid. One of these “witty” Members of Parliament said: “First confession and then legal aid.” We have already seen from the remarks of Sir Stafford Cripps and Mr. Kirkwood where it is, indeed, that people who are prosecuted are deprived of all protection. Yes, our Code of Procedure and our laws of procedure do not provide for the participation of defending counsel in the preliminary investigation stage, but that is because our law itself, and I must mention this today, both in Paragraphs 111 and 112 of the Code of Criminal Procedure, impose upon the organs of the State the duty of fully investigating the case from all sides – the duty of investigating the circumstances that incriminate, as well as those that prove the innocence of prosecuted persons, aggravating as well as mitigating circumstances.

And when our enemies, in an outburst of class rage and blind class hatred, say that under these conditions there can be no guarantees for the establishment of judicial truth and want to refer to other so-called civilized countries, it will not be difficult to parry this thrust by referring, for example, to one of the latest Codes of Criminal Procedure, namely, the German Code of 1924. I speak precisely of that period, and not of the present period connected with the triumph of fascism in Germany. According to Paragraph 147 of the

German Code of Criminal Procedure the defence called to take part in the preliminary investigation is permitted to examine the materials of the preliminary investigation only in those cases “when this does not endanger the aims and tasks of the preliminary investigation.”

We guarantee the rights of the accused not only in court, but also in the process of the preliminary investigation, and particularly by that very Article 206 of the Code of Criminal Procedure of which we have more than once spoken in the course of this judicial investigation.

I am dealing with this question only because all the general talk that was heard in the House of Commons about our justice and our juridical system, about our method of procedure, was not abstract talk – it took place in connection with the present case, and certain circles of the English bourgeoisie hoped to discredit both the preliminary investigation of this case and the Court itself, which, of course, must also bear in mind the material of the preliminary investigation.

More than that, we witnessed here how certain of the accused – I will name Thornton, I will name Monkhouse – at all events, tried to pursue here, before our Court, in the process of this judicial investigation what was properly speaking the line they were ordered to pursue and which found expression in the first part of the so-called *White Paper* about which we have all heard. Thornton’s fable about the “moral pressure,” on which he came a scandalous cropper, and Monkhouse’s fable about his eighteen-hour examination, which was lengthened to nineteen hour examination in the British Parliament (they stuck another hour on), the story – I don’t know who set it going – but the story which Monkhouse publicly tried to use here as a method of defence, for which he had to pay by having to apologize to the Supreme Court – all this, Comrade Judges, directly corresponds with a telegram published in the *White Paper*, signed by Sir R. Vansittart, and sent to Sir Esmond Ovey, which I would like to quote here – this is a document bearing the number 27. This telegram raises the curtain upon the incident of Monkhouse’s action in this Court. “The Soviet Ambassador,” telegraphs Sir R. Vansittart to Sir Esmond Ovey, “came to see me today at my request.” This is what he says in document No. 27, published in the *White Paper*.

“I said that he would be aware, from what had passed

yesterday in the House of Commons, of the reason for this interview. Indignation in this country (in England) at the arbitrary arrest and harsh treatment of British subjects in Russia was growing, would grow, and would grow rightly. Feeling was widespread that the allegations against these men were grotesque and hysterical; and that these arrests were a stage performance, and a very bad one at that, mounted simply to disguise, by serving up scapegoats," (it is Thornton and Monkhouse who are the scapegoats) "the ill-success of certain industrial undertakings in Russia. The Soviet Government" (says the document) "might say what they liked; but public opinion here would never look upon this performance in any other light."

And so, on the 16th of March this telegram bearing the number 27, which has become part of the history of this trial and of British diplomacy, was sent, and yesterday, April 15, at the morning session, Monkhouse tried to declare that: "this trial was a frame-up against Metro-Vickers" based on the evidence of terrorized prisoners. But even a "timid" man like Thornton could not quote a single fact to indicate precisely how he was terrorized and the only thing that he could say in this case was the following: "I don't know myself what frightened me."

I have already said that I do not know who is inspiring whom in this case, but there is one thing about which I have no doubt, and that is, that British public opinion has been misled by a number of cleverly carried out manoeuvres. I think that one of the great services this trial will render will be that it has exposed these distortions, that it has established the truth as it really is, that it has shown public opinion in England and even those circles which are hostile to our State, that they have been cruelly misled. Indeed, we have the declaration of the Secretary of State for Foreign Affairs that Monkhouse, "having had no charge made against him and being carried off to prison in the early hours of the morning, was subjected to a first examination which began at 8 o'clock in the morning. It went on for nineteen consecutive hours without a break."

"I," said the Secretary of State, "have inquired from our Ambassador about the examiners. On the side of the examiners there were three teams of examiners which took one another's place, but on the side of the person examined

he was, of course, the same person all the time.”

An interesting communication, and one which could, of course, rouse sad thoughts even in the minds of gentlemen who are quite unprejudiced against our method of procedure. Indeed, nineteen hours of uninterrupted questioning of the poor victim of this examination, the gentleman Monkhouse, one against three teams of examiners – all of them, one after another, attacking this unfortunate Monkhouse!

Nineteen hours! Probably the first one to prevaricate, the first one to lie, was Monkhouse himself. It was he who lied, it was he who started the story about the nineteen hours. It was caught up by those to whom it was convenient and advantageous; it was broadcast far and wide; public opinion was mobilized and on this they wanted to base their demands in connection with this trial – demands which we indignantly rejected.

And when yesterday Monkhouse here declared: “I admit my mistake. I apologize,” it seemed to me that he apologized, not to you, Comrade Judges, but that he apologized to those whom he had deceived.

But what actually was the position? We discussed this in sufficient detail yesterday, but permit me to touch upon it briefly today. I will continue reading the communication which was made in the House of Commons by the Secretary of State for Foreign Affairs:

“Mr. Monkhouse was taken back to his cell about 3 o’clock in the morning on March 13, where he remained until 7:30 in the morning, when a second examination started and this examination continued for about seventeen hours.”

So this makes thirty-six hours during two days – thirty-six hours of almost uninterrupted examination.

Thirty-six hours! But what actually transpired? It transpired that Monkhouse had lied, that nothing of the sort took place, that all that which was said in the House of Commons, that all that which the honourable gentlemen worried over in connection with this declaration represents “sheer loss,” and if I were in their place I would certainly bring a civil action against Monkhouse for... loss of time.

This is not the first time that we encounter insinuations, falsifications and vilifications against our Court, against our judicial trials.

That happened when we investigated the Shakhty case. That happened when we investigated the “Industrial Party” case. It happened when we investigated the case of the so-called Menshevik Central Bureau.

We have no reason to be particularly surprised that this method is resorted to in the struggle which is waged against us, not only by the remnants of the bourgeoisie that were overthrown by October and by all the fifteen years of our epoch of socialist construction, but also by the bourgeoisie which is ruling in various countries and which they wage ideologically, and very often materially, through the medium of their definite circles who are connected with the remnants of the capitalists and exploiting classes in our country who were defeated and crushed by the October Revolution, and who always find support among these most aggressive and reactionary circles of the world bourgeoisie.

However, the special features of the present trial are not the flood of slander and insinuation about which we have just spoken and with which our enemies, as I have just said, usually meet every trial of wrecking, every one of our blows against counter-revolutionary conspiracy, against counter-revolutionary conspirators.

The special features of the present trial are that it reflects the great class battle, in that it is in the literal sense of the word an act in the class struggle, a struggle between two worlds. The special feature of the trial is that the whole of the five days of our judicial investigation represent, in fact, a five-day class battle, in which two worlds of ideas, two worlds of principles, two worlds of concepts, two worlds of social strivings and fundamental antagonisms of class interests, came into conflict. Among all the things that distinguish this trial of wrecking from trials of wrecking of previous years, the distinguishing feature of this trial is precisely that it is a trial of wreckers who have remained in our land in spite of the fact that all the attempts hitherto made against the successes of socialist production have invariably ended in staggering defeat, in spite of the fact that they have not the slightest hope of success in their wrecking work. It is important to note precisely the circumstances, that although wrecking, which, as Comrade Stalin said, was a sort of fashion several years ago, has now ceased to be a fashion, nevertheless, these wrecking acts continue, are nevertheless organized and, what is important to note just now, are organized in such important

branches of socialist economy and socialist industry as electrical development, electrification, power supply, which is one of the most important branches of our economic construction.

It is true that today we encounter forms of class resistance that differ from those we encountered several years ago. In connection with the Shakhty case, the April Plenum of the Central Committee of our Party pointed to the peculiar feature of this form of crime as the manifestation of a special, new form of class resistance of the bourgeoisie to the successes of our socialist construction. This must be said, and special emphasis must be laid on it at the present time.

However, it will be necessary to say at the same time that in spite of the novelty of the shades and forms in which the resistance of the overthrown, defeated, wrecked capitalist exploiting classes whose economic and political rule has been abolished, manifest themselves, that behind these new forms there is concealed the old, not abated, but on the contrary, intensified class hatred of our enemies towards the cause of socialist construction.

Comrade Stalin has said:

“We must bear in mind the circumstance, that our work on the socialist reconstruction of national economy, which is breaking down the economic ties of capitalism, and which is turning upside down all the forces of the old world, cannot but call forth the desperate resistance of these forces. And that is what the position is, as we know. The malicious wrecking by the upper stratum of the bourgeois intelligentsia in all branches of our industry, the ferocious struggle the kulaks are waging against the collective forms of farming in the countryside, the sabotage of the measures of the Soviet Government by the bureaucratic elements of the apparatus who are agents of the class enemy – such for the time being are the principal forms of the resistance of the dying classes of our country. But we must bear in mind,” continues Comrade Stalin, “also the circumstance, that the resistance of the dying classes in our country is not isolated from the outside world, but that it meets with the support of the capitalist environment. Capitalist environment is not simply a geographic concept. Capitalist environment means that the U.S.S.R. is surrounded by hostile class forces who are prepared to support our class enemies

in the U.S.S.R., morally and materially, by financial blockade, and at a favourable opportunity, by military intervention. It has been proved that the wrecking operations of our specialists, the anti-Soviet actions of the kulaks, the burning and blowing up of our enterprises and constructions, are subsidized and inspired from outside. The imperialist world is not interested in allowing the U.S.S.R. to stand on its feet and obtain the opportunity of overtaking and surpassing the advanced capitalist countries. Hence the assistance it renders to the forces of the old world in the U.S.S.R....”

An illustration, a serious and glaring illustration of this class struggle is afforded by the present trial, which reflects the criminal activity of certain counter-revolutionary groups which still have their lairs here and there in the U.S.S.R., which are striving, not only to disrupt, retard and slow down the work of our enterprises but even to wreck certain of our enterprises, certain sectors of our socialist construction, to damage our socialist construction.

And what we have seen here during the past few days, all that we have heard from the accused themselves, whether it is from Gussev or Lobanov, Sukhoruchkin or Zorin, Thornton or Monkhouse, or Oleinik – one of the most unattractive types among the accused – or Kutuzova, whom we will describe a little later, all this really goes to prove the existence of these class relationships, these peculiar features of the present forms of this class struggle, which manifest themselves in particular in these acts of wrecking.

It would be a great mistake, however, to assume that the trial of these wreckers of power stations is evidence of the same thing that the Shakhty trial evidenced – that at the present time we have to deal with widespread wrecking among the technical intelligentsia. The Shakhty trial was evidence of the fact that wrecking was a sort of fashion – some engaged in wrecking, others concealed these acts, still others assisted. The Shakhty trial reflected what was then a rather widespread phenomenon among the technical intelligentsia, to its shame be it said. Today, the situation is different. It will be a great mistake to draw a parallel in this respect between this trial and the Shakhty trial, between the attitude of our technical intelligentsia towards wrecking at that time and their attitude at the present time.

There is no doubt that during these years, as a consequence of the great processes that have taken place in our country, which has

achieved gigantic victories in socialist construction, a change has taken place in the mood and minds of broad circles of the technical intelligentsia. This conclusion cannot be in the least degree shaken by the fact that this group of wreckers was still to be found in 1931-32, that not all the wreckers in our Soviet land have become extinct. There is nothing unexpected or surprising in this. But these are mere insignificant apostates, the dregs of the technical intelligentsia.

When Comrade Stalin in his historic speech on the new conditions and new tasks of economic construction spoke about the change that had taken place among the technical intelligentsia as from the time of the Shakhty trial to approximately the time that historic speech was published, he at the same time said that this change did not yet mean that among the technical intelligentsia there would not be any more wrecking at all. In this, as in all things, Comrade Stalin proved to be right. Comrade Stalin said:

“Wreckers exist and will continue to exist as long as we have classes and as long as we are surrounded by capitalism. But it does mean that, since a large section of the old technical intelligentsia, who sympathized more or less with the former wreckers, have now turned to the side of the Soviet Government, the active wreckers have become very few in number, that they have been isolated and are obliged to go deeply underground.”

And the overwhelming majority of those whom we have dragged by the ears out from underground into the light of day, create the impression of being, I would say, “second rate wreckers.”

It is true that among them there is the lecturer Zorin; true that among them are fairly important engineers, for example, Sukhovich, but the predominant types among them are the Oleiniks, Gussevs and Lobanovs, people who engage in wrecking not so much because of their convictions but because of their social nature. We must note a certain diminution in calibre among them, which indicates that wrecking is apparently living its last days in our country. Of course, it will continue to flicker up here and there in so far as classes will remain, in so far as class antagonism will not yet have disappeared and have been removed, in so far as we shall still live in a capitalist environment, which inevitably causes relapses into counter-revolutionary wrecking in the U.S.S.R. It is precisely for that reason that we must continue in the future to preserve our

class vigilance and not in the slightest degree abate our determination in the struggle against these phenomena, not in the slightest degree abate our ruthlessness in annihilating these shameful counter-revolutionary phenomena.

What is the main content of the crime in which these people in the dock are incriminated?

The State Prosecution in formulating these charges directs its attention principally along three main lines, on three main groups of counter-revolutionary crimes committed by the accused, namely, 1) wilful damage to mechanisms, machines and equipment; 2) military espionage; 3) bribery. These are very severe crimes that the accused have committed against the State of the proletarian dictatorship, against the Land of the Soviets, against their nation!

It is highly characteristic that although among all wrecking counter-revolutionary groups the so-called ideological motive always merges or is interlocked with crude, base, material interest, in this trial this feature is particularly marked.

I will recall here the explanations given by certain of the accused to my question – “What were you guided by?” and even in reply to the question put by their own defending counsel – “Were you guided by material motives or by ideological motives?” – they mumbled, spread out their hands and said that they find it difficult to formulate, that they find it difficult to answer this question – to such an extent was all this interwoven, to such an extent were they proved to be both politically and morally corrupt. This is not an accident. This too is a phenomenon of the times, a phenomenon which is characteristic of the epoch in which, on the one hand, the working class is growing enormously in its creative power, in its creative construction, is growing in all spheres of its construction – cultural, economic and political – while these last remnants, these broken fragments of the capitalist classes are more and more betraying symptoms of cultural, spiritual and moral insignificance, corruption and degeneration.

Why is wrecking, espionage and bribery so wonderfully interwoven in the actions of nearly every one of the accused in the present case? We are trying electrician wreckers who had organized themselves in counter-revolutionary groups for the purpose of striking a blow at Soviet economy which is fighting for new and newer successes. Of course, we were convinced beforehand – and reality eloquently confirms this – that no such attempt would ever lead to

the results the wreckers dreamed of, that every one of the wreckers' cards would be beaten, and at most, as this present trial has shown, would lead to a brief stoppage of a turbine, to brief embarrassments which, thanks to the vigilance, the creative energy and the enthusiasm of the masses of the proletariat, are quickly and resolutely removed and repaired, paralysing the action of these wreckers, neutralizing and liquidating their corrupt influence. And indeed, in spite of all the efforts of the wreckers, in spite of all their destructive work, we have achieved astonishing successes in the sphere of electrification. These successes are testified to by the fact that we now have ten power stations of a capacity exceeding 100,000 kw. — Kashira, Shterovka, Shatura, Krassny Oktyabr (Leningrad), Moges (Moscow State Electric Power Station), Zugres (Zuevka Electric Power Station), Dnieprogres (Dnieper Electric Power Station), Nivges (Gorky Electric Power Station), Chelyabinsk Electric Power Station, and Krassnaya Zvesda (Baku). We have achieved enormous successes in the sphere of electrification which, in the historic words of Lenin, is a fundamental element of communism, because Comrade Lenin said, as you remember, "Communism is Soviet power plus electrification."

In 1928, we had only 18 district stations with a capacity of 610,000 kw.; in 1932, we had 44 power stations with a capacity of 2,500,000 kw. At the present time, the capacity of all our power stations amounts to 4,600,000 kw. as against 1,875,000 kw. at the beginning of the Five-Year Plan.

In 1928, the output of electrical energy amounted to 5,000,000,000 kw. hrs. and in 1932, the total output of electrical energy amounted to 13,500,000,000 kw. hrs.

Well now, you wreckers — what have you got to say to that? All your efforts have failed, and they could not but fail, because against you stands the unshakable wall of the proletariat, against you stands the unshakable wall of the honest Soviet intelligentsia who jointly with the working class is building socialist society; against you stands in full armour the proletarian dictatorship and you are merely a miserable group of apostates of the technical intelligentsia, a group branded with the mark of shame.

I have already pointed out that as a result of great effort, great sacrifices, great self-sacrifice, persistence and labour, we now have ten power stations with a capacity exceeding 100,000 kw. Among these are the very stations which, unfortunately, we now have to

speak about in dealing with the groups of wreckers, the hotbeds of counter-revolution, who tried to destroy the young organism of this sector of our socialist economy which is just being built up.

As I have already said, at the present time the very method of wrecking has changed to a considerable degree compared with the methods adopted in previous years. In the present case, four methods of wrecking stand out in striking relief: first, wilful, deliberate concealment of defects by State employees in responsible posts, whose primary and direct duty was to remove them.

Second, delaying the work by every artificial means: unnecessary repairs, bad installation, and so forth; prolonging the period before installations are put into operation, postponing the testing period, prolonging these periods as much as possible.

Third, deliberate damage to machinery, as we saw, for example, in the case which Gussev related here as calmly as if he were relating an epic, when he told us about the damage to the 1,400 h.p. motor, or when Kotlyarevsky told us that he inserted a bolt into the air gap between the rotor and the stator and in this way put a turbo-generator out of action.

Fourth, a more subtle, a more artful, a more cunning and a more concealed and masked method of wrecking, of striking a blow at our industry, namely, when the necessary personnel is deliberately selected in such a way as to suit the aims of the wreckers, when persons unfit for the job are deliberately placed in charge of responsible sectors of the work, when the organizers of wrecking deliberately place people in responsible jobs knowing that they are not trained for them, with the deliberate calculation that an untried stoker will go to sleep on his job, that an inexperienced mechanic will not know when anything is wrong, will not open a valve in time or close a valve in time, when that is necessary, and so forth, and so forth. These are the methods now employed, which possess all the qualities necessary for the success of this wrecking, for it enables the wrecker to operate with very little risk, as operating in this way he can count on a considerable amount of impunity, and finally, he can count on his wrecking activities extending over a long period of time. These wrecking activities are dangerous because very often they are small in themselves, but they go on systematically, day after day, affecting every group of machines or numerous individual machines. It is precisely because these things become so common and an everyday matter that they are capable of blunting the sensi-

tiveness and alertness of certain workers towards these happenings.

The characteristic thing here is precisely the form of these wrecking acts; they are very convenient for the purpose of concealing this wrecking by all sorts of "objective causes," "defects," and the fact that it does not seem to be caused by malicious human intent.

This is very characteristically seen in the analysis of a number of breakdowns which we encounter in the present case and which will be the subject of my further, more detailed analysis.

We know that at the present time the class enemy is crushed, is beaten, he cannot, however much he may desire, make frontal attacks against the Soviet Government, against socialist construction, no matter on what sector of this construction he may reveal his presence. We know that the class enemy, having suffered severe defeat, has now passed from direct frontal attacks to other methods; that he is operating by the method known as quiet sapping. It is precisely this that explains the fact that he becomes less detectable, less vulnerable and hence it becomes less possible to isolate him.

But therein precisely is the great danger of these crimes which in themselves, perhaps, may be small, but which in their sum total represent an enormous social danger. The social danger of the crimes representing the content of this case does not lie in that stations are blown up, nor in that large powerful turbines are put out of action, that a whole system of power supply is put out of action.

No, this could not happen, nor can it happen, because in our country the factories are in the hands of the proletariat; because the working class is sufficiently vigilant to prevent such serious consequences as might result if groups of wreckers, or individual wreckers, could carry on their work with impunity. The danger of the crimes with which we are dealing in this case lies in that the criminals try to strike at minor details and thus create an uninterrupted stream of difficulties, a continuous "breakdown condition," as we saw from individual examples, at individual stations like Zuevka, Mosenergo, the Ivanovo Electric Power Station, Zlatoust, Chelyabinskstroy, and so forth, and so forth.

Throughout the whole course of this trial certain of the accused made several attempts to explain their actions by the fact that they found themselves drawn into counter-revolutionary activities by other persons, particularly by the British installation engineers now in the dock. I will deal separately with the guilt of the English in-

stallation engineers in this case. I mention it now in order to indicate the main lines of the Prosecution.

I must say at once that our approach to State employees who have violated their duty to the State, who have lost all feeling for their native land, who have forgotten their duty to their socialist fatherland, must be and will be extremely severe, irrespective of whether they were the “victims” of anyone’s cunning, or whether they took the path of crime independently, apart from outside influences.

From this lofty tribune of the Special Session of the Supreme Court we must once and for all declare to our whole country that State employees are State employees, and that they will be treated as traitors to the State if they act in the manner the accused who have been criminally prosecuted in this case have acted.

I must call to mind the decree of the Central Executive Committee of the Union of Soviet Socialist Republics of March 14 this year, which, although addressed directly to the O.G.P.U., is of great importance in principle for us; it is a decree which speaks of the particularly strict responsibility to which employees in State institutions and enterprises will be held for acts of wrecking committed by them and for which they will be called to account with particular severity; and it says that this special severity will be applied to all employees of State institutions and enterprises detected in such crime. Every citizen in our country who is employed in a State institution or enterprise, who is placed in charge of a definite section of work, whose duty it is to secure the proper functioning of this or that institution or enterprise which is an element, a constituent part of the whole of our State system, must bear special responsibility to his society, to his nation, and he cannot be relieved of this responsibility in the slightest degree irrespective of whether he voluntarily took the path of crime, whether he was led on to the path of crime, or whether he was accompanied by anybody on this path of crime.

That is why the State Prosecution in maintaining the charges in this case against the persons in the dock, will, in their appraisal and qualification of the degree of responsibility and guilt of the individual accused, be guided precisely by these considerations and have in view that we must retaliate to every attempt on the part of a State employee to betray his trust in the severest possible manner, and I will go even further and say – even irrespective of the degree and scope of the damage caused to the State by these crimes.

In this case, the State Prosecution regards the State employees to be the main and principal offenders, and it is against these, in the first place, that the Prosecution will turn the edge of their evidence, proof and demands for severe judicial repression. Because it is precisely they, the State employees, who had pledged themselves to work honestly for the proletarian State, who betrayed this pledge, betrayed their trust, betrayed their proletarian State. That is why our attitude towards them will be different from our attitude towards the employees of private firms and private offices, both native and foreign. We must specially emphasize the serious responsibility of our State employees compared with the responsibility of foreign specialists, or of foreigners generally, who perhaps are not specialists, or are specialists of a kind different from the kind we thought they were when they came to work for us, to take part in our general State construction. Of course, the crimes committed by the Thorntons, the Monkhouses, the Cushnys and the MacDonalds are repulsive and atrocious crimes. But there are no words with which to express all the feelings of indignation, to formulate the contempt one feels in speaking of the responsibility of State employees in our country who forgot their duty to their country, who betrayed their socialist fatherland. They betrayed and betrayed so systematically, so continuously that, properly speaking, several of them even forgot that they were State employees and behaved as if they were employees, not of State institutions, but employees of those commercial enterprises which themselves bear very high obligations and very great responsibility towards our State with which they have business relations.

I want to take the opportunity of this part of my speech in order resolutely to rebuff every attempt made by Monkhouse to drag the Prosecution on to the path of attacking certain foreign firms and particularly the firm of Metro-Vickers. A number of questions Monkhouse put to the expert witnesses today, properly speaking, cannot be otherwise appraised than as an attempt to provoke us, an attempt to make this case appear as if it were not Monkhouse that was in the dock, but Metro-Vickers. I immediately uttered a warning against such misunderstandings, and I must emphatically warn you against this now. If we had sufficient facts to formulate a charge against the firm of Metro-Vickers, we would not stop half way; but in this case we must say that we have no grounds for this, that we had no intention, and have no intention, in connection with

the present case, of bringing criminal or any other proceedings against Metro-Vickers outside of those provided for in the agreements with that firm. We are not in the least inclined to regard the crimes committed by certain officials in the Moscow office of Metro-Vickers, or even the criminal deeds of certain individuals outside of the U.S.S.R. who have relations with that office, as deeds committed by this firm, as deeds for which this firm as such must bear responsibility. We are speaking of individual persons, either of Monkhouse or Richards; we are speaking of individual crimes, like those which we are now examining, as well as of those which we are not examining at the present time, without any reference whatever to the firm, concerning which Monkhouse made the attempt today to make it appear that it was not he, but the firm, that was in the dock. Monkhouse must give up the idea that he is appearing in this case in any other capacity except one, and that is: as an employee of that firm charged with serious State crimes – and nothing more. Similarly, he must give up the idea that he can appear here in the capacity of representative of the Moscow office and take upon himself the duty of protecting all the other employees of this office who have been prosecuted in this case.

I have already said that the Public Prosecution has built its charge against the accused in the present case along three main lines.

First, wilful damage to machines and equipment; second, military espionage; and third, the system of bribery, which we encountered on a wide scale in examining the individual crimes of the individual accused who are prosecuted in the present case.

On the question of military espionage there has been much talk in the course of the present investigation and certain of the accused pretended that, strictly speaking, they did not properly understand the meaning of this term. This is what Thornton very stubbornly and persistently tried to make us believe when he said that in his conception (this version was supported by Monkhouse, and these two were followed by others of the accused among the English citizens, for example, Cushny) espionage differed very much from the conceptions he obtained in the process of the preliminary investigation, from the formulation of the charge against him. All of them pretended that in their conception, according to our laws, the collection of “any” information is spying, and that where they spoke about admitting themselves guilty of collecting spying information they

spoke, if you please, both the truth and the untruth. The truth, because they used the words "spying information" and untruth, because by these words they meant something entirely different from what is implied by the corresponding articles of our Criminal Code.

I think we must introduce clarity into this question. We do not play with the word "espionage." We have an absolutely precise and clear conception as to what espionage is as a counter-revolutionary crime, and we have the right to demand that everyone who comes to the territory of our country shall have an equally clear and precise conception of the interpretation which our laws and our State put upon this word, the significance and content of this crime.

In individualizing and characterizing the position in this trial of each of the accused separately, I will deal especially with the question as to whether either Thornton or Monkhouse had any right to pretend that they had their own conception of what espionage means and to reduce this conception not to espionage, but to collecting "common gossip" and rumours. But at present, I want to deal with the theoretical, if you will permit me to say so, exposition of the concept espionage according to our laws, if only very briefly.

I would ask to be permitted, in view of the interest certain parallels would have, to touch upon this question also from the point of view of foreign law, the law of foreign States, including English law, Statutory Law.

I think this will be useful for our case, from the point of view of the characterization, or appraisal, of the individual responsibility of this or that accused in the present case in connection with the charge that is brought against him in this sphere.

We know that certain persons who are now on our territory, and even whole groups of such persons, are engaged in collecting a variety of information on the territory of our country. But we have never accused, and we do not think of accusing them of espionage merely on the ground that somebody, mixing in certain social circles, quite legally, receives certain information about the economic position of our country, about the harvest, about the progress of this or that economic-political campaign, say the sowing campaign, or the grain collecting campaign, or even about the difficulties that are encountered by this or that branch of our industry, or of our national economy, which is steadily growing in the process of the constant and victorious overcoming of difficulties that arise in its path. We never bring an accusation, and we cannot regard as grounds for

prosecution, or for a charge of espionage, economic or political, even against those who utilize information about the political moods of this or that circle of our society, even if it is attempted to use this information about the political mood of these circles against our interests. We cannot, say, demand from persons who belong to other classes, who stand for entirely other class interests peculiar to them, who have a definite and complete world outlook and attitude towards their environment, that they should conceive the phenomena of our reality in the same way as we Soviet people conceive them.

We never raise, and we never will raise the question of responsibility under Article 58-6 of the Criminal Code in a matter regarding the receiving or even the collecting of information of the kind I have just described to the Court, that is, information about the economic situation, political moods, the harvest, various economic campaigns, and so forth, and so on.

But it goes without saying that this does not, and should not, give anyone grounds for trying to conceal real espionage work, in the real sense of the word, by arguing that this was "gossip," as Thornton tried to assert here, at the same time referring to the allegedly very broad conception of espionage from the point of view of our Soviet laws. This is exactly what Thornton says: in admitting that he was guilty of espionage, he says, he thought that in this country spying information meant, not information having military State significance, as it is in actual fact, but all information including such information as I have just spoken about. Why did he argue like that? Perhaps because he wanted to take advantage of the really fairly wide definition in this sphere of the law of capitalist countries, according to which, even such actions which are directed against the interests of separate capitalist groups, or even of individual capitalists, may come under the term of espionage?

Our law does not give the slightest grounds for this. We have an absolutely precise conception of espionage. It is defined with the utmost precision in our operating laws, and it is precisely from the point of view of these operating laws that we will strive to build up the charge of espionage that we bring against a number of the accused in this case.

But first of all, a few words about the manner in which various foreign States regard the question of espionage. If we turn to English law we will find a reply to this question in the material provided by the Official Secrets Act of August 22, 1911, and by a similar Act

under the same title, of 1920. Clause 2 of the Official Secrets Act of August 22, 1911, which represents an amendment to the Act of 1889, reads as follows:

“On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State.”

That is how the bourgeoisie protects the interests of its State, its class interests, when it raises the question of responsibility in clauses about espionage.

And further on it reads:

“... if any sketch, plan, model, article, note, document or information relating to or used in any prohibited place within the meaning of this Act, or anything in such a place, is made, obtained, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained or communicated for a purpose prejudicial to the safety or interests of the state unless the contrary is proved.”

That is how the bourgeoisie protects its interests in this sphere. And what from the point of view of the English Act of 1911 are these “prohibited places,” that is, places prohibited “within the meaning of this Act”? A very clear answer to this question is given by Clause 3, which consists of a number of sections including a section containing the following list:

“...any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character...” and so forth, and so on.

That is what is stated in this clause which probably is well known to Thornton as an ex-military man and as a present military spy.

We have another English Act devoted to this question which is a supplement to the two clauses of the Act of 1911, which I have just read. This is the Act of December 23, 1920, where also, but still more emphatically, the bourgeoisie in its own interests, I again emphasize and repeat this, protects and guards its vital State interests, with the aid of Espionage Acts.

I have in mind Clause 2 of this Act which expounds an extremely interesting idea.

“In any proceedings,” it says, “against a person for an offense under section one of the principal Act, the fact that he has been in communication with, or attempted to communicate with a foreign agent, whether within or without the United Kingdom, shall be evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained, or attempted to obtain, information which is calculated to be, or might be, or is intended to be, directly or indirectly useful to an enemy.”

And further:

“For the purpose of this section... a person shall, unless he proves the contrary, be deemed to have been in communication with a foreign agent” – and so on.

Such, Citizen Thornton, are the laws that exist in your country, which protect secrets of military State importance, the violation of which entails extremely serious penalties, for the violation of which the culprit is called very seriously to account. And after that, Thornton tried here to pretend that he was a political infant, a naive person who did not know what espionage was, although he pleaded guilty to collecting, as he himself wrote with his own hand in his depositions, spying information. In addition to this, the law of capitalist States knows also the concept economic espionage, in the sense of guarding so-called industrial secrets. I can quote, as an example, the German Act of March 9, 1932. We have no industrial secrets within the meaning of capitalist law, but we have the concept economic espionage by which is meant the collecting and communicating of economic information which is especially guarded by the State and which is enumerated in a list especially indicated in the corresponding legislative acts, in this case, in the decree of the Council of People's Commissars of the U.S.S.R. of April 27,

1926, which contains an exhaustive list of the kind of information which, if communicated, gives ground for accusation of a crime coming under the term economic or military espionage.

Of course, the different measures that are applied, the difference in the approach to these questions of the various States, is to be explained by the difference in the nature of these States. Generally speaking, we must bear in mind that when speaking about the State of the proletarian dictatorship, about the Soviet State, we are speaking of a government of a special kind, which in the words of Vladimir Ilyitch Lenin is, properly speaking, already a semi-State. Indeed, our State fulfils the task of protecting the interests of the working class, the interests of the masses of the toilers; the sole and fundamental object and task of our State is to protect and guard these interests, to fight against all manifestations of exploitation, against the exploiting classes. Of course our State is of a type, of a kind, of a nature that is altogether different from exploiter States. And although we often employ the term State, we must never forget that, unlike the bourgeois States, the very nature of our State obliges us to adopt an approach to the solution of the problems of our State construction that differs from that which is adopted in these bourgeois States.

This is the position particularly in regard to the question of the responsibility of our State employees, to which I previously referred when I emphasized the special significance which we attach to the responsibility for crimes committed against the State by our employees. This is to be explained by the fact that our employees are the servants of the working people, that they are the servants of our State, which is the State of the toiling masses, the State of the workers and peasants who create all values, all wealth, who are the foundation and the source of the very existence of our State. That does not exist in any capitalist State. Hence, the difference in the approach to the solution of this problem in the sphere of criminal policy. While the bourgeoisie, in making laws directed against employees and against the toilers generally, act exclusively in their own class interests, in the interests of the minority, as against the interests of the masses, we, in directing our laws against employees who betray our State, act in the interests of the toilers and in the interests of the toilers' State, which in this way protects itself against traitors, against any attempt on anyone's part to place their interests in opposition to the interests of the State, which is a toilers' State. The same

thing must be said with special emphasis in regard to the question with which I am now dealing concerning espionage as a crime directed against the toilers' State, and which, from this point of view, grows in our eyes into a heinous crime against the working class, against the proletariat and against the whole future of human civilization created by the triumphant successes of our proletarian revolution.

Hence, the stern criminal penalties which we impose upon those who attempt to resort to espionage against the interests of the proletarian State.

The third section of the crimes we are examining in the present trial is that which I have put under the head of bribery. Here too we must start out from the principles that are inherent in our Soviet life, our Soviet system, which distinguish it from the principles inherent in the life, customs, morals and system of mutual relationships prevailing in various circles, in various capitalist countries. Monkhouse could not agree with the Prosecution's appraisal of the 3,000 rubles that were given to Dolgov as a bribe, and he asserted that it was not a bribe, but a present. Of course the concept bribery, the concept larceny, like other concepts to which I have already referred, very often differ in our society and in bourgeois society, and this is quite natural.

There is a passage in the works of Lenin which speaks of this difference. Permit me to quote this eloquent example. Lenin said:

“When a worker steals a loaf of bread in a bourgeois country, he is sent to prison for it; but when a rich man steals a railway, he is appointed to the Senate...”

This, indeed, bears witness to the great difference in principle between views of things: in the eyes of the bourgeoisie the theft of a loaf of bread by a poor man is a crime, but the theft of a whole railway by a rich man is regarded as the manifestation of great statesmanship, of great political virtuosity, deserving of promotion to the Senate.

And so also in the sphere of bribery. We speak of bribery as an evil which corrodes our organism, an evil which must be combated in the severest and most ruthless manner, which must be cauterized out of the system of our relationships. And yet we know that in bourgeois circles, in certain circles, of course I do not want to make too broad a generalization on this – in certain bourgeois circles, en-

trepreneurs, business, banking circles, and so forth, and so on, yes, and even in bourgeois society as a whole, when we speak of this in principle, bribery is not regarded as a crime, because it is on bribery that the prosperity of various upstarts, careerists, politicians and stock exchange brokers, and so forth, and so on, is based.

Citizens Monkhouse and Thornton, all your talk about this being a “present” because it was “a little one,” because it was given as a reward for “work done,” for this and for that, is not at all convincing. We regard such “presents” as bribes, because the effect of this act diverts attention, energy, strivings, desires and obligations from the interests of the State to private interests, frequently, in definite cases, in opposition to the interests of the State.

Yes, and this applies to your firm – against whom, I repeat, we have no data upon which to take criminal proceedings in this case, but which, according to your own words and evidence, Citizen Monkhouse, which you tried to repudiate after you had sealed them with your own signature, very often carries out its obligations to the Soviet State unconscientiously. You yourself characterized the latter by saying that, if you were the buyer, you would not buy such equipment which you, as a salesman, dared, however, to sell for the hard-earned people’s money paid to you by our country for this equipment.

Let this very Monkhouse and let this very Thornton and those others of their fellow citizens whom I will mention individually in the next part of my speech, who gave bribes to our State employees, and by these bribes corrupted these State employees, won them to the side of their interests and put them in opposition to the interests of our proletarian State – let them not dare to pretend that they link their conception of these actions with the conceptions, not of bribery, but of gifts. The laws of their own country do not permit them to think, to speak, or to defend themselves by such arguments.

I want to mention here several Acts in English Statutory Law dealing precisely with this question of bribery. I have here, for example, The Public Bodies (Corrupt Practices) Act of 1889. From this Act it will be seen that the bourgeoisie are able to guard their public bodies, their public organizations much more strictly and strongly than private enterprises when these private enterprises and organizations dare to come into conflict with the interests of the State.

We have the Act of 1906 which bears the characteristic title

“An Act for the Better Prevention of Corruption,” the very kind of corruption which the accused here systematically engaged in under cover of their firm, and a similar Act of 1916.

According to the Act of 1889, bribery is defined as:

“...soliciting corruptly or receiving, or agreeing to receive, for oneself or for any other person” (that is what it says, Citizen Monkhouse), “any gift, loan, reward, or advantage, as an inducement to any member or servant of a public body to do or forbear to do anything in respect of any matter in which the public body is concerned.”

That is how the position is put. If a State official guards the interests of the institution in which he fulfils any function, then any kind of gift, any consideration that can induce him to do, or forbear to do anything, contrary to his duties, is bribery, which according to this Act, is regarded as a crime.

The same thing applies to the Act of 1906 which reads as follows:

“If any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement for doing or forbearing to do”... etc., he shall be guilty of bribery.

The Act of 1916 says the same thing and, moreover, makes a very interesting assumption:

“...the money, gift, or consideration shall be deemed to have been paid or given and received corruptly as such inducement or reward as is mentioned in such Act unless the contrary is proved.”

That is what the laws say, the laws of the country which sent you here, accused Monkhouse, Thornton and others, for definite purposes, in accordance with the agreement existing between our institutions and your firm whose Moscow representative you are, Monkhouse.

Bribery is bribery, no matter what you call it, its nature is not changed either by laws of a bourgeois State or still less by our laws.

A juridical question may be put as to why in our indictment a special clause is not included on bribery, seeing that we charge the

accused with bribery. Why is that clause not included? Why, among all the clauses. – 58-6, 7, 9, and 11, was no place found for a special clause on bribery, namely, Article 118 of the Criminal Code? The reply to this question is very simple, because when the charge – and I hope the conviction on our charge – of counter-revolutionary crimes is sufficiently supported, bribery is merely a peculiar form of the manifestation of this counter-revolutionary crime, because in these conditions, and under these circumstances, bribery is by its very nature a counter-revolutionary crime, is a great and heinous crime against the State.

This is not simply a bribe that is given for this or that “service” that does not and cannot affect the very foundation of the State relationships. When bribery assumes the character of a means by which counter-revolutionaries attempt to strike a blow precisely at these relationships, to affect precisely these foundations of State relationships, then we can no longer regard it as ordinary bribery in its specific form as expressed in Articles 117 and 118 of the Criminal Code of the R.S.F.S.R., that is, as the receipt of a reward by an official for the fulfilment or non-fulfilment of a duty – but we regard it merely as a peculiar manifestation of a counter-revolutionary crime by means of which the same class resistance to the cause of socialist construction is offered as is offered by counter-revolutionary agitation, or by other varied means of wrecking and resistance which the enemies of our country resort to in their fight against our socialist construction.

We have an analogous case in the decree of August 7, in which under certain conditions, theft (larceny) is regarded not simply as theft, but is raised to the degree of an important political act, which grows into an important counter-revolutionary act, qualified by this decree of August 7, as everyone knows, precisely as a great crime against the State, against our sacred and inviolable socialist property, which is the very foundation of the Soviet system.

That is why there need be no surprise at the fact that we do not present a special clause on bribery out of the numerous Articles of our Criminal Code, but include the element of the crime covered by this Article in the general composition of the crime covered by all the Articles enumerated in the Indictment and the edge of which is turned against the accused with all the sharpness of the Articles on counter-revolutionary crimes, namely 58-6, 7, 9 and 11 of the Criminal Code.

The President: It is now 11:45 p.m. I declare the session adjourned until tomorrow morning.

(At 11:45 p.m. the Court adjourns until 11 a.m., April 17; 1933.)

[Signed] V. V. ULRICH
President of the Special Session of the
Supreme Court of the U.S.S.R.
A. F. KOSTYUSHKO
Secretary

MORNING SESSION, APRIL 17, 1933, 11:15 a.m.

Commandant: Please rise. The Court is coming.

The President: Please be seated. The proceedings are resumed. Comrade Vyshinsky, the Public Prosecutor.

Vyshinsky: In passing to the characterization of the separate crimes committed by each of the accused, it is necessary to give a characterization of the events that took place in connection with this criminal activity at certain electric power stations, and finally, to qualify these crimes from the point of view of the demands of our Criminal Law.

A number of stations have been spoken about in great detail throughout the whole course of this judicial investigation. The Zlatoust Electric Power Station, the Zuevka Electric Power Station, the Ivanovo Electric Power Station, the Baku Electric Power Station, and a whole group of electric power stations united in this case and in our materials under the general title of Mosenergo.

Permit me, then, briefly to describe the condition of affairs created at each of these power stations in connection with, and partly as a direct result of, criminal wrecking, counter-revolutionary activity of counter-revolutionaries and wreckers, connected with and working at these stations, who are now being prosecuted in the present case.

The Zlatoust Power Station. In the period of 1931 and 1932 we observed at the Zlatoust Electric Power Station a number of breakdowns systematically repeated month after month. We had here a number of breakdowns, with the 1,400 h.p. motor, which, as you will recall from the material of our judicial investigation served the large-shape mill of the rolling mill shop, which directly served a number of works, including munitions shops and munitions works.

We had the breakdown of the 1,400 h.p. motor at the Zlatoust Electric Power Station on April 10, May 12, June 13, and so forth, and so on, in the course of these two years. But this does not mean that there were no breakdowns before that. There were breakdowns before that. We speak of these breakdowns only because these few breakdowns gave us the clue by which we were able to reveal the true and genuine causes of these breakdowns, and second, because reports were drawn up on these breakdowns, notwithstanding the method adopted by the wreckers, which, incidentally, was either not to draw up any reports of the breakdowns at all, or to deliberately

draw up such reports as would conceal the real causes of these breakdowns. We have a number of cases of the breakdown of the 1,400 h.p. motor, the direct result of which was an attempt to strike a blow at the branch of production which in its turn was of fundamental importance for the rolling mill and in particular, had fundamental importance for the munitions industry. Five or six times in succession the motor was put out of action owing to the deliberate and wilful wrecking work of several persons – Gussev, Sokolov and MacDonald, who concentrated their attention and exerted all their efforts precisely on this sector in order to strike at what, from the point of view of the normal process of production and, in particular, the production of munitions, was a very important group of machines at this power station.

But their activities were not confined to this. We have the fact of the freezing of boiler No. 8 when the dampers were left open – also quite deliberately – and when this led to a breakdown.

At the end of 1931, at this same electric power station, the coal conveyor was put out of action. There were two coal conveyors, one of which was in reserve and played a very important role as such. Deliberately and again, very subtly, on the pretext of carrying out reconstruction – a sort of “rationalization” that the accused Gussev talked about – the foundation was destroyed and then the repair of the coal conveyor was undertaken which put it out of action and left the station in a state which, in the language of the wreckers, was given a special technical formula – “breakdown condition.”

Finally we have the delay in the re-equipment of boilers Nos. 1, 2, and 11, which put the station in a state in which it could have, and did have in fact, only a reduced, and a very reduced capacity, approximately one-half of the normal – from 12,000 kw. normal capacity the station could generate a bare 6,000 kw. You will remember, Comrade Judges, how these breakdowns were brought about. It cannot be said that they were brought about by very complicated methods. On the contrary, as Gussev has already shown here, the breakdown of the 1,400 h.p. motor was brought about very easily by dropping an extraneous metal article into the air gap between the stator and the rotor.

In analysing the causes of these breakdowns and particularly, and most important of all, the breakdown of April 10, we discover that a number of other breakdowns which occurred to this motor, to which I have just referred, the breakdowns of May 12 and June 13

and others, were the direct result of the bad and unconscientious work in removing the causes of the first breakdown – the wilfully and deliberately bad repairs after the first breakdown. It is precisely these repairs to the motor, badly done deliberately after the first breakdown occurred, that were the cause of a number of subsequent breakdowns on this 1,400 h.p. motor. In analysing the causes of this breakdown, the Commission of Experts came to the conclusion that the displacement of the stator iron could take place as a result of the dropping of an extraneous metal article into the air gap, that in normal operating conditions extraneous iron could not find its way into the motor, and could be inserted only artificially.

But when the Commission of Experts analysed these facts on the basis of the report of the breakdown, made on the spot, it of course did not have in mind Gussev's evidence which we heard at this trial, in which Gussev told us how indeed this extraneous piece of iron found its way into the motor, how it was inserted deliberately, wilfully, thanks to the wrecking plans on the basis of which the whole of Gussev's activity from that period developed.

In the winter of 1932 another breakdown occurred at the Zlatoust Electric Power Station of boiler No. 8, which was cold in reserve. This breakdown too was caused deliberately and, as it turned out, not by any God knows what complicated methods, but by simply leaving the damper open, and allowing the water to remain in; and when winter came, the boiler froze and a number of tubes burst. According to the conclusions of the Commission of Experts this breakdown, too, occurred either as a result of the negligence of the boiler house staff, or as a result of malicious intent.

The Defence may take up a position on this alternative and say – the Experts' report proved that the breakdown might have occurred either as a result of malicious intent or as a result of negligence. But the Experts could not say anything else, because they investigated the case conscientiously and objectively and did not have in mind the subjective activity of this or that person. The Experts based themselves entirely on the general technical conditions in which these facts, purely objective facts, occurred. It is our business to characterize these facts from the point of view of personal activity. It is our business to show that in this case too, the cause was not negligence, but precisely malicious intent. Of the two possible causes in the given concrete conditions in which the breakdown of boiler No. 8 occurred, only one cause played a role, and

that was malicious wrecking intent, a counter-revolutionary act directed against the normal operation of this electric power station.

At this same power station, in the beginning of 1932, as I have already said, the reserve coal conveyor was dismantled. Under what conditions could the dismantling of this reserve coal conveyor take place? That is the first question which the preliminary enquiry submitted to the Commission of Experts. And the reply was received that

“the dismantling of the reserve coal conveyor would be permissible only in the event of this coal conveyor being unsatisfactory or inadequate and in the event of it being possible to substitute for it a new one, for the installation of which all the necessary parts were available and all the preparatory work accomplished.”

Thus arises the second question that was submitted to the Commission of Experts, namely, did these three conditions exist at the time the coal conveyor was dismantled? The Commission of Experts replied:

“In this case these conditions did not exist, for in order to install such a coal conveyor all the necessary parts had to be available and all the preparatory work had to have been performed.”

Neither the first nor the second was done. Hence, on the basis of a strictly objective analysis of the materials in the case, the Experts came to the conclusion that “the dismantling of the coal conveyor was done with obviously wrecking aims.” Here we do not even require the confession of the criminal, here we do not even require the living perpetrator of these wrecking acts. It is sufficient to have the conclusion of the Experts in order to be able to say that there can be no question here of negligence, there can be no question of criminal negligence. The only thing that could have taken place here was direct wrecking activity directed straight at our Soviet economy, and in this particular case, against the electric power system, because what the accused perpetrated is evidence only of one thing and of one thing alone – it is evidence of malicious wrecking intent, of deliberate wrecking work, of deliberate wrecking destruction, of what we call diversion.

Thus we have a number of breakdowns all of which were the

result of deliberate counter-revolutionary acts of diversion of people who, placed by the authorities, by the working class, by the proletarian revolution, in positions in which they were entrusted with State property, not only did not guard and protect it, but tried to damage and cripple it, prepared and perpetrated acts of diversion, waged, if in a concealed masked form, a genuine war against the working class by methods of destruction, by methods of destroying our State property.

At this same station we had also cases of boilers being deliberately put out of action. Sterling boilers Nos. 1 and 2, each with a heating surface of 260 square metres, were put out of action in May 1928 and kept out of action to this day on the direct instructions and with the direct co-operation of MacDonald, according to a plan that was drawn up and systematically and methodically carried out on what seemed a perfectly legal basis: repairs, alterations, reconstruction. A nice "reconstruction" indeed!

The burners are altered, and are altered in such a fashion that in spite of the fact that all the imported equipment necessary for the completion of these alterations has been lying in the station yard since 1930, these alterations have been dragging on for over two years.

And then there is the third boiler, U.M.T. boiler No. 11, which is being altered and installed for the last two and a half years.

What are the causes here? The Commission of Experts says: "The presence of malicious intent or, at least, criminal negligence." But even criminal negligence is nothing more nor less than a manifestation of this criminal intent. And the result? The delay in installing boilers Nos. 1, 2, and 11 resulted in the fact that the station generates approximately one-half of the capacity of the turbo-generators.

The Zuevka Electric Power Station. In June and July 1932, at the Zuevka Electric Power Station, a breakdown occurred on generator No. 3. Why did it occur? Kotlyarevsky told us about this here very calmly. I even thought that Kotlyarevsky, as later on I will have to say about several of the others, for example, Sukhoruchkin, probably felt as if he were at a meeting of some scientific and technical society, calmly delivering an academic lecture on his achievements in the sphere of wrecking. It was an astonishing picture, a monstrous picture! It is monstrous to think that an engineer whose mission it really is to create, that an engineer, fed and sus-

tained on Soviet proletarian resources, at the breast of the proletarian revolution, tries like a snake to plunge his sting into the very heart of the revolution! Kotlyarevsky told us here how he placed a bolt in the generator and caused a breakdown. It is a good thing that this breakdown did not have the consequences that it might have had. But was this the only case? And were there not other extraneous bolts in such places where they had no business to be? We established this, here at this Court examination. Bits of plank, stones, a brush, in the insides of our machines!

On this case the Commission of Experts arrived at very categorical conclusions. It says:

“Cases, in which various extraneous articles (bolts, pieces of board, stone, etc.) were found in generator No. 5, cannot be regarded otherwise than as the result of criminal negligence on the part of the staff installing the machines, or deliberate malice on the part of some person.”

“No technician,” it adds, “could help understanding that if extraneous objects, especially a bolt, were to get into the air gap of the generator, it might lead to serious damage to the stator and the putting of the whole unit out of action.”

At the Zuevka Station we also had a number of breakdowns which occurred on turbine No. 1-3, on the oil pumps, concerning which I would also like to refer to the report of the Commission of Experts, which established: “that the state of the oil pump which was observed on this turbine 1-3, at this Zuevka Electric Power Station, directly endangered the reliability of the turbine and could have been brought about only as a result of the obvious lack of conscientiousness on the part of the persons who had installed it.”

On the basis of all the materials that have passed before us at this judicial investigation, we can say that this was not only obvious lack of conscientiousness on the part of those who installed the turbine, but what we characterize as deliberate wrecking activities.

I will not deal with the other breakdowns that occurred at the Zuevka Electric Power Station. I will only have to ask the Court to examine the materials of the Commission of Experts and to remember these facts in their consulting room, and also to remember the appraisal that was given of these breakdowns by the expert technicians, which testifies that as a result of their work, to a certain de-

gree and in a certain period of time, this group of Zuevka wreckers succeeded in reducing certain sections of the Zuevka Electric Power Station to a breakdown condition for a certain period of time.

The Ivanovo Electric Power Station, known as Ivgres. In the period from January 1932 until the investigations in the present case were commenced, that is, the beginning of 1933, here, too, a number of various breakdowns occurred as a result of which certain machines were put out of action. These breakdowns were the results of different causes – the unreliable regulation of the turbine, unreliable blade setting on the turbines, the inaccurate work of the controlling and measuring apparatus, and so forth. Moreover, here we had repeated cases of the motors driving the chain grating of the boilers, I will not say breaking down, but put out of action by a very primitive method – by breaking the cable that fed these motors. The motor of the cable was put out of action as a result of being choked with sand.

Frequent cases occurred of the false switching off of the house feeders. The motor of the smoke-stack of boiler No. 5 was deliberately burnt out by the deliberate closing of the ventilator of this motor. The contact box of the motor of the fire-brigade pump, was also wrecked by dropping extraneous articles into it and in addition to this, the systematic disorganization of the telephone station was practised which interrupted communications between the various departments of the power station, and this of course led to the same results: diminution of the output capacity of the station, which was the object of the activities of the wreckers' group operating at the Ivgres.

I would like now briefly to refer to the *Baku State District Power Station* where we also had a number of systematic breakdowns on turbo-generators Nos. 11 and 12, a number of stoppages of machines commencing in 1928 and continuing to 1930 – the breakdown of March 11; and to 1931 – the breakdown of February 15; and again in 1931 – the breakdown of February 21; and again in 1931 – the breakdown of March 22. The causes of these breakdowns were discovered only after turbine No. 11 was opened for inspection before the machines were tested in accordance with the contract, although taking into consideration the magnitude of these breakdowns it must be admitted, as the Commission of Experts assert, that these breakdowns must have been accompanied by some outward symptoms – the knocking of the machine, unusual noise

and vibration, disturbance of the smoothness of the motion, which could not but have attracted the attention of the station staff if they were careful and conscientious. The motor was installed in this station by the accused Cushny. It is true that the last breakdowns occurred when he was already in Moscow. But the heritage he left, connected with the breakdowns that occurred in 1928, obviously played its part subsequently.

And finally, the last power station, or rather the group of power stations united in what I have already told you is called the Mosenergo, also testifies to systematic breakdowns throughout the whole of the period of the Five-Year Plan. One can say that the wreckers' group at the Mosenergo had their own Five-Year Plan commencing from 1927-28 and, let us hope, utterly disrupted by the arrest of the wreckers now standing trial.

We have a number of breakdowns at the First Moscow State Power Station on turbines Nos. 27 and 28. Permit me to draw your attention to this positively incredible number of breakdowns which systematically occurred one after another on March 9, May 10, June 16, November 28, and so on. The wreckers put out of action the circulation pumps of the turbines. On December 4, 1931, a breakdown occurs at the Shatura Station, which is also controlled by the Mosenergo. On May 22 and November 18, 1931, and May 9, 1932, breakdowns occur at Orekhovo-Zuevo, at the Electro-Thermic Central Station. All this gives us perfect right to ponder over the causes of these breakdowns, to try and discover the secret of the breakdowns at these stations, which, as has been revealed at this judicial investigation as a result of the questions put by Comrade Roginsky, serve very important and responsible sections of Red Moscow – the Hammer and Sickle Works, the Spartacus Works, the Kremlin, the Krutitsky Barracks and the Dzerzhinsky Barracks. The whole of the radio transmission can be put out of action as a result of a single successful wreckers' act, which put out of action the distributing turbine connected to the 6,600 kw. switchboard.

The power stations of the Mosenergo are not only connected with individual enterprises, individual institutions in our Red Capital, but they are also connected with some of the largest industrial centres of the Moscow Region – Kolomna, Yegorovsk, Podolsk, Sergiyevo, Tula, Zaisk, Ryazan, Noginsk and Kashira – a whole system of large enterprises of military State importance, upon the work of which rests to a certain extent the strength and might of our

Soviet economy, of our socialist industry. Huge works like Electrostahl, the Tula Works, the Hammer and Sickle, the AMO, the Trekhgornyy Textile Mill and a number of other textile mills, engineering works, chemical works, cement works and factories, quite apart from a whole system of minor enterprises are supplied with electrical power by the First Moscow Power Station. It is quite understandable, therefore, why the group of wreckers concentrated their attention on the First Moscow Power Station. Naturally, that is why they found it necessary to work here craftily, subtly, determinedly, with the aid of the most skilled agents. And you see, Comrade Judges, that while in the other cases we had before us such persons as Oleinik or Lebedev, comparatively second-rate individuals, who had got caught in the net of the spies, provocateurs and wreckers, at the First Moscow Power Station we have another group, far more skilled, far more experienced, people of a larger calibre, whom it was rather awkward to pay, whom it was not very decent to pay, although they did pay, and it must be said, paid badly. Lecturer Zorin, about whom I will speak later, engineer Sukhoruchkin, you remember his evidence here, engineer Krashennnikov, you remember him also, three reliable props of the wrecking counter-revolutionary conspirators at the Mosenergo. These are experienced, cool men, who do not lose their courage as some of their accomplices did, who are able to conceal their wrecking operations, their “work,” their “activities,” are able to understand each other by a mere word, I will say more, by a mere glance. One of the Counsel for the Defence tried to build up his defence of certain of the other accused by the following question: “Well, the first time you conversed for ten minutes, the next time for twenty minutes, the third time for thirty minutes, altogether your meetings lasted two hours; what could you do in two hours of conversation?” This is a naive argument, which also testifies to the failure to appreciate whom and what we are dealing with. These people – Zorin, Sukhoruchkin, Krashennnikov – are people who understand what is wanted of them by a mere word, these are people who understand what the expression of the eye says, what a pursing of the lips means, who are able to learn these wreckers’ “songs without words” of counter-revolution. And I am not a bit surprised that their conversations were very brief; their fleeting conversations are not a bit surprising!

What do we see at the Mosenergo? I have said – breakdowns at the First Moscow State Power Station, at the Shatura Electric Power

Station, at the Orekhovo-Zuevo State Electric Power Station. Thus, we have a fairly long list of breakdowns organized by fairly able and experienced hands.

In concluding this list of breakdowns and wrecking acts I must declare with satisfaction that however numerous these breakdowns were they could not cause our socialist enterprises any very serious damage, that all these wrecking acts were shattered against the might and stability of our enterprises. I must place on record the impotence, the miserable insignificance of these people, an impotence of these wrecking acts similar to that displayed by some of their accomplices, particularly by Thornton, and a similar impotence and miserable insignificance in the organization of their own defence.

Permit me now to proceed to characterize the crimes, the role and the responsibility of each separate criminal. We are confronted with the fact that a number of people have confessed. Under other circumstances, this might have relieved us of the necessity of investigating other proof. We know that according to the laws of procedure in every capitalist State, and particularly according to the laws of procedure in England, the mere confession to the Court by an accused is sufficient to give the Court the right to refrain from entering into a judicial investigation. The same norms of procedure exist in our laws, because it is not always found necessary, after an accused has confessed, to go into all the circumstances of the case for the purpose of testing the correctness of this confession. But in bourgeois law this principle is not accidental. In bourgeois countries the old mediaeval conception of the significance and quality of proof still prevails, in which the confession of an accused was regarded as the best, was regarded as the "queen of evidence."

Hence, from the point of view of those who are watching every step of this judicial investigation and who so nervously watched the progress of the preliminary investigation that they at times lost their coolness and fell into hysterics, we could say that the charge can be taken as fully proved even on the basis of the statements of the accused.

But it must be emphasized, Comrade Judges, that in this exceedingly important trial, in addition to the confessions of the accused, we have a whole sum of objective proof which no forces hostile to us can withstand.

We have never had such a wealth of revealing, accusing, objec-

tive material proof as is represented by this file of expert evidence based upon the facts of the breakdowns that occurred, on the investigation of the facts of these breakdowns, on a careful analysis of the causes of these breakdowns and on absolutely categorical conclusions which testify to the fact that these breakdowns did take place and that they were deliberately organized. Thus, we have in our hands all this objective material which testifies to facts which, even with the most lively imagination one could not invent, which really did occur, which are recorded and sealed in reports and photographs, and even in the lying defence of those of the accused who try to discredit everything to which we refer, to which only recently they themselves referred as authentic and absolutely established facts which actually took place. I would ask the Special Session of the Supreme Court, when it discusses its verdict, to pay attention precisely to this aspect of the case, and once again to examine – if only for the purpose of appraising the position of the Prosecution on this question from this point of view – the indictment which we have submitted to the Supreme Court, in which we take as a basis the Experts' report, in which we take as a basis of our charges firmly established facts, and in which we take as a basis material from the technical point of view, from the point of view of technical experts, the very facts, the analysis of which leads to the appraisal of subjective evidence and subjective confessions.

At the preliminary investigation, in my presence, Comrade Roginsky and the Investigating Judge on Important Cases questioned MacDonald, and in the very first ten minutes of our conversation with him on the question of the charges made against him in the course of the investigation by the O.G.P.U., MacDonald confirmed the correctness of his depositions and made supplementary depositions – I think, I am sure, that they were sincere conscientious depositions, which cannot be said of the depositions of his fellow citizens who have been prosecuted in this case, particularly the depositions of Thornton.

This civilian, this modest engineer, who moreover, does not the same role in this case as Thornton does, and perhaps for this very reason, found sufficient courage in this case to confess after being caught red-handed at the crimes which he really did commit. This civilian engineer acted more courageously than the brave warrior of Mesopotamia. When we asked MacDonald how it was that he made such depositions, he gave two reasons:

“1. I wanted to make clear the accusations made against me; 2. Because of the facts and proofs that were shown to me....”

That was MacDonald's reply. And that reply is the truth, because the weight of our evidence is very great, the weight of our evidence is based upon the results of an enormous amount of work performed in the process of the preliminary investigations in an unparalleled shortness of time. This work was the technical test of these acts, of the facts on which – I can say this now with satisfaction – the whole edifice of the case of the State Prosecution is built and firmly stands.

Gussev, Vassily Alexeyevich, chief of the Zlatoust Electric Power Station. From 1918 to 1920 he served in the Kolchak army, for which he had volunteered. In various trials of State crimes we meet, here and there, criminals who have been in the White armies, in counter-revolutionary armies; but not often do we meet such as had volunteered for these armies. Volunteer Gussev, who takes part in the campaigns of the Kolchak army against the army of the workers and peasants, who after the defeat of the Kolchak army draws no lessons from this defeat for himself, continues to remain, properly speaking, the Kolchakist that he was when he volunteered to join the ranks of that army, even when he was no longer in that army.

One day he arrives at the Zlatoust works. Rather quickly he passes from one official post to another and finally we meet him in a post in which he has charge of the fate of the Zlatoust Electric Power Station.

He is the chief of the Zlatoust Electric Power Station which serves the enormous group of enterprises of enormous State importance.

I cannot but comment on the conduct of those persons who permitted this thing to come to pass. Once again this testifies to the lack of class vigilance among certain of our business leaders, which often prevents them from properly distributing their forces in their enterprises, from correctly lining up the cadres of the enterprises, particularly in such an important sector as an electric power station, and still more in an electric power station like Zlatoust.

But just now we are discussing Gussev. Gussev himself fairly well characterized himself as a sharply defined, completely formed type of counter-revolutionary spy and wrecker. He himself attribut-

ed this to the environment in which he lived and to his friendly relations with the Shalayeys and Bogoslovskys who have been convicted in connection with other wrecking cases. But this does not alter the case; it only explains it. And so, Gussev damages a motor, and when he is caught, he says – I received instructions from MacDonald to damage the motor of the large-shape mill of the rolling shop of the Zlatoust works for the purpose of stopping the output of shells and of shell billets.

These gentlemen were very seriously interested in shells, and one can quite understand why, just as one can understand *for what purpose* and just as one can quite understand *for whom*. They were very seriously interested. I cannot refrain from saying at once that according to Thornton, who at first “presumed” and then confirmed that Gussev was, to use his own expression, MacDonald’s agent at Zlatoust Works, it was Gussev who systematically engaged in collecting information of a military character and communicated it to MacDonald, while MacDonald communicated it to Thornton. Thornton obtained this information, as he himself says, only from one source, namely, from Gussev. Gussev was the only source of the information which Thornton received. We have already seen what kind of information this was – this was information about the munitions shops, information about shells, information about high-grade steel that is required for aeroplane motors, that is required for these same shells, that is required for cold arms, that is required for the equipment of our Red Army. He collects information, damages machinery and rolling mills! How did he do this?

“During the inspection of this motor I threw a small piece of sheet metal into the ventilation duct of the stator. Subsequently this piece of iron served as the cause of the breakdown, because dropping into the air gap, it caused the displacement of a part of the laminated iron packets of the stator iron and rotor; the displaced iron damaged the wrapping containing the winding of the stator, which was the cause of the breakdown.”

The displacement of the iron occurred in several places, says Gussev. But as this defect was not repaired, it not only caused a breakdown, not only damaged the winding of the stator, but also caused further breakdowns as the direct result of the first breakdown and this rained a series of blows upon the very motor which

drove this large-shape mill of the rolling shop of the metallurgical works, precisely for the purpose of hindering the output of shells and stopping the output of shell billets.

We are not preparing for war; but we are prepared for war. And from this point of view we must appraise these acts of diversion which were intended to weaken our defence; for it is this – I think it opportune to say once again and it is testified by Thornton's depositions of March 13 concerning his network of spies – that greatly interested Thornton when he spoke about the defence and offence possibilities of the Soviet Union.

Good possibilities! Strong possibilities! Try them, Messrs. spies!

I do not want to analyse in such great detail the wrecking activities of this Gussev in connection with the coal conveyor, because all this material has been examined in the course of the judicial investigation, and you will examine it again very carefully and in the greatest detail outside of this battle of parties, in your consulting room, and you will draw the necessary conclusions.

I will not conceal from the Court my conception of Gussev as of one of the principal figures in this counter-revolutionary conspiracy in the electrical engineering industry. For Gussev I must demand a more severe penalty than for any other of the accused, because of the role he played, because of the character of his crimes and also of the general principles that define the content and the direction of our Soviet criminal policy, concerning which I spoke at sufficient length yesterday, so there is no need for me to revert to it today. And in particular I call your attention, Comrade Judges, to the well known decree of the Presidium of the Central Executive Committee of the Soviets of March 14, this year.

Sokolov, Vassily Andreyevich, an electrician, employed at the same station. At first he served as Gussev's assistant at the power station and was later promoted to the post of chief electrician of the power station.

Sokolov pleaded guilty, but for us his confession is not enough.

What is there in proof of Sokolov's guilt in addition to the confessions he made at the preliminary investigation which were corroborated here? These confessions were corroborated by Gussev. Gussev's evidence does not call forth the slightest doubt, because it is based, not only on the evidence of MacDonald and the others, but also on the objective material that served as one of the main pieces

of evidence against Sokolov. This material shows that on the instructions of Gussev, and under Gussev's direct guidance, Sokolov co-operated in and personally carried out a number of wrecking acts which resulted in breakdowns. In particular, he carried out Gussev's instruction to damage the 1,400 h.p. motor, which led to a series of breakdowns. He put the turbo-generator out of action, he struck at the boilers. He delayed the repairs and installation of the coal conveyor, and so forth, and so on. Commencing from the middle of July 1932, he collected and communicated information about the six days' rolling of billets on the large-shape roller and, as we have already said, reported how many out of the total number of billets produced were intended for shells. We must bear in mind, Comrade Judges, that the output of this rolling mill – the leading rolling mill, properly speaking, determines the output of the whole of the rolling shop, and consequently, it is sufficient to be in possession of this information to be able to reply to the question which particularly interests military spies who are working in a direction that is hostile to our Soviet State.

Sokolov and Gussev were old friends even in the Kolchak army; both volunteered for the White army. They ceased to serve in that army when, like rats scurrying from a sinking ship, they deserted it when all the cards of Kolchak's generals were beaten, when, at the same time, the cards of certain foreign generals who supported Kolchak were also beaten. Then, these "brave warriors" showed a clean pair of heels and made for the woods. From the woods they came to us, to our enterprises; but having come from the woods they, like wolves, yearned for the woods.

And the third figure in the Zlatoust wreckers' group – MacDonald, an installation engineer. He arrived at the Zlatoust Electric Power Station in 1929. For a number of years he was hospitably treated in our country and has "paid" us very well for this hospitality.

He worked at the Zlatoust Electric Power Station until April 1931, and entered into wrecking counter-revolutionary relations with Gussev and Sokolov, and with Kotlyarevsky at Zuevka; he co-operated in the work which I described in dealing with Gussev and Sokolov, was caught red-handed and was obliged to confess his guilt. He confessed and gave explanations not only regarding himself but also regarding his accomplices, his fellow citizens.

"In the summer of 1929," says MacDonald, "I was at

Thornton's villa and in conversation with me he said that he was interested in information about the political and economic situation of the U.S.S.R. and he asked me to collect and to convey to him this information."

Yesterday I said that, of course, there is a difference between economic and political information and *their* economic and political information. We do not base our charge of espionage on what Thornton here called "gossip." We do not base our charge on this. But I will try to prove that the information which at the moment of his half-confession MacDonald tried to conceal by the inoffensive term – "political and economic information," "required by our firm" is not the "harmless" information that is of course needed by any firm which has business with us on our territory, but that it was information of a very definite character, information that represents a military State secret, the obtaining, collection and communication of which comes under the definition of espionage within the meaning of Article 58-6 of the Criminal Code of the R.S.F.S.R. I will try to show that it was precisely such information and not "harmless gossip" that Thornton received from MacDonald, and MacDonald received from Gussev, and Gussev received from Sokolov, that is, received along that peculiar chain which at last is linked up in a whole chain of weighty evidence. I will not deal with the relations between these gentlemen and the firm. I do not know them. I do not want to know them. I do not deal with them. I do not want to deal with them. But everyone sees and understands that it was not in the commercial, not in the business interests of the firm that this information was collected, but in the interests of those about whom Thornton told us during his examination on March 13 – and then realized that he had blabbed. But to return to MacDonald.

MacDonald says:

"When I returned to Leningrad I began to collect information and in addition to information about the mood and the living conditions of the workers, I began to collect special information, namely, information about the work of the "Bolshevik" Munition Works, information about the production of aeroplane motors, and also about the production of guns."

And MacDonald pointed out concretely who gave him this in-

formation – Khrustchev, Samarin, Redkin, that is, persons who were caught and convicted in another espionage case.

Thornton said here: how could anyone help knowing about these aeroplane motors when the noise they made when tested could be heard all around; when everyone heard the noise made during these tests? How could anyone help knowing about these guns when all the windows in the whole district shook when they were fired? Guns were fired, windows shook, everybody knows about them. But if what Thornton says is true and everybody knows about these things why should he resort to MacDonald's services and pay him money for them? He should have said to him: "What are you talking this nonsense for, everybody knows this, why should I pay you money?"

You, a business man, you, a practical man, paid money for this, paid him for telling you that motors make a noise and that guns are fired! Is it for this that you paid money, and is this the kind of information you got from MacDonald? Nonsense! Child's prattle! Finally, had MacDonald any grounds for denouncing you? MacDonald, with whom you were always on good terms, MacDonald, who never roused distrust against himself, and who in addition, was your subordinate, who was dependent upon you and not you upon him – what grounds had MacDonald for denouncing Thornton and at the same time denouncing himself? It must be said that MacDonald himself realized that it was necessary to give this evidence because Gushev had already talked, because Sokolov had already talked, because Kutuzova had already talked, and finally, because Thornton himself had already talked. And here I must recall the touching scene that was played here when the attempt was made to retreat, in disorder it is true, but nevertheless to retreat from an occupied position. MacDonald said that he talked because he was shown Thornton's depositions, but it transpires that Thornton talked because he was shown MacDonald's depositions, he talked under the influence of MacDonald's depositions! Finally, it was impossible to understand who influenced whom, who spoke under the influence of whose depositions! One blamed the other, and both got mixed up.

Thus, MacDonald speaks about himself and speaks about Thornton. He speaks quite definitely, quite categorically. He does not speak generally and throw suspicion on Thornton and on himself about spying operations, but points *concretely* to persons, *con-*

cretely to things, *concretely* to circumstances. MacDonald obtained information very cautiously. You remember that we established here the methods by which this information was communicated by Gussev. Gussev did not write: so many shells are being produced. He wrote MacDonald friendly love letters: we are producing so many “tins.” He did not send his letters in the ordinary way, but used couriers and messengers, a tenth-rate person it is true, but nevertheless a person who is being prosecuted in this case and concerning whom further investigations are being made, namely, Maria Fedorovna Ryabova. MacDonald, through Ryabova, whom he has special reasons to trust, receives letters from Gussev who, seeing the confidence MacDonald places in Ryabova, himself places confidence in this counter-revolutionary letter carrier. Nevertheless, he writes in code: not *shells* but *tins*.

And the people connected with them figure, not under their own names, but under fictitious names. One is called “Derevo” [tree], another is called “Slessar” [fitter], while still others are called by names by which people are usually called – Vassily, Ivan, but which did not belong to the person concerned. And they used fictitious addresses. They sent a parcel with a letter containing secret information in the name of a fictitious person from a fictitious house in a fictitious street. That house does exist, of course, so does the street, but they were picked out at random, picked out in order to throw dust in people’s eyes. Gussev does not sign his letters – Gussev. On one occasion he signed himself Utkin, and on another he signed himself Mochalov, that is what he says. But of course, Comrade Judges, we must bear in mind that in these matters we cannot fail to take into account the circumstance that all this is done secretly, is done cautiously, that documents are burned, that documents are destroyed, that as far as possible no documents are written, while those which in other cases were written were sent where Thornton sent his nine secret diaries – to the city on the Thames, to London. They were safer there!

We asked MacDonald: Did you receive letters from Gussev? He replied: yes. How did he sign them? Utkin? Yes. Did you preserve his letters? No, he says, I threw them into the stove, burned them. Burned them? And then MacDonald, nevertheless, tried to play an artful policy here in Court. He admits that he is guilty, but not as frankly as he should have done if he wanted us to believe that he did only that which he said he did. Caught red-handed, faced

with irrefutable proof which astonished him, he nevertheless conducted his defence very cleverly and cunningly, tried wherever possible to retreat, and right from the very beginning said and admitted only what was absolutely impossible for him to avoid saying and admitting. Perhaps in regard to the coal conveyor, about which there was some disagreement, he did not give Sokolov direct instructions. We will leave this conveyor to the scrap of conscience which may have been left to MacDonald. This is not a matter of the coal conveyor, but of the fact that MacDonald is an experienced spy, and I would not say that he is less clever than his partners in the dock, on the contrary, I would say very definitely that in several instances he seems to be much cleverer.

When we established the fact here that he had burned Gussev's letters, MacDonald tried to swerve to the side, and what did he say? He said: I usually burn my letters. But I asked him a second time: From whom else did you receive letters besides Gussev? And he said: From no one else. Hence, we can draw the conclusion that we drew, namely, that he always burned the letters that he received from Gussev. Of course, letters are not burned in order that somebody may see them, and notwithstanding all the skill of organs of investigation, it is sometimes found impossible to restore letters that have been burned.

MacDonald, like many others, is able to make use of a gramophone and slight favours. Incidentally, reference should be made to the methods that are resorted to by all the accused, and particularly the British subjects among them. Advantage is taken of every opportunity. Cushny becomes friendly with the fitters, visits them in their homes, arranges parties. Lebedev meets Elliott at the house of a lady who organizes something in the nature of *petites soirees* and it transpires later – I will ask the Court to put this to the account of Cushny – that “incidentally” conversations are carried on about the Red Army, as for example with Yemelyanov, about the equipment of the Red Army, and so forth, and so on. And Elliott carries on conversations with a certain Baldin, while Lebedev cocks his ears and hears that they are talking about the work of the military department of the Ivanovo Mechanical Works, which Elliott has got his eye on, and Thornton says: “I received information from Elliott.”

Thus we see that MacDonald, like Thornton (I will deal with him in detail later), carries on definite military spying operations,

collects military information.

In 1930, says MacDonald, before my departure for Zlatoust, Thornton had a second conversation with me, when he asked me to collect for him information about the production of military supplies at the Zlatoust works and also about the state of the power supply at those works. In his depositions MacDonald says: In rather a veiled form, *i.e.*, not as a direct order, he gave me the task of organizing breakdowns at Zlatoust in order to interrupt the work at the plant. He told me that if money was wanted it would not present any difficulty, I could get it from him.

These are the three main points: military espionage, the organization of breakdowns, corruption, money, bribes – the three points, the three main links of this chain of guilt which closes around MacDonald and the others about whom I will speak later on.

Did MacDonald carry out the instructions he received from his chief, Thornton, even if they were not given in the form of a direct order? Yes, it must be admitted that he carried them out. He told Gussev that it was necessary to damage equipment, and it was done. Why had this to be done? In order to disrupt operations at the works, to cause stoppages, including stoppages in the factories working for defence, working for our Red Army. He received money, he transferred money, distributed money. He cannot get away from these facts.

“I have handed Kotlyarevsky, Vassiliev and Fomicheff from Zugres about 2,000 rubles for their spying and damaging activities. Money was given to each of them separately. I gave Kotlyarevsky about 1,000 rubles. Kotlyarevsky had given me information that I have mentioned in my previous testimonies.”

These are MacDonald’s depositions. I will add the last depositions made by MacDonald in the offices of the Public Prosecutor of the Republic to the effect that in June or July 1932 the breakdown of the third generator was organized.

“This breakdown took place as a result of the insertion of a bolt in the air gap of the generator. This was done under my instruction by Fomicheff and Kotlyarevsky.”

And here is Kotlyarevsky’s second deposition. We asked Kotlyarevsky about this and he replied: Yes, I did it, I inserted the bolt

and caused a breakdown. The circle of evidence is complete. MacDonald is caught, caught red handed. MacDonald is cleverer than the others, who on being caught tried to pretend that they were innocent and did this mostly for the purpose of rehabilitating themselves in the eyes of their secret chiefs. MacDonald is more sincere and bolder than the others; forced to the wall by our proofs, he admits what is sufficiently clearly and explicitly formulated in the counts of the indictment charged against him.

I must now pass to the Ivanovo Power Station, but before doing so I would like just once more to deal with a relatively small, but a very characteristic feature directly connected with the activities of MacDonald and to a certain degree with the activities of Monkhouse. I have in mind Gussev's visit to Zuevka and his communicating to MacDonald, who was there at the time, that he thought his position was rather dangerous because the O.G.P.U. had got on the track of wrecking operations. He expressed this fear to MacDonald in a rather alarmed manner, but MacDonald calmed his fears by saying that if anything happened he could always get assistance from an address which he gave him. The address was that of Monkhouse. That address was written in the note which MacDonald gave Gussev at Zuevka in case anything happened, in case of discovery, which, Gussev felt at the time, was already threatening him.

And the second episode, that of Gussev's meeting with MacDonald and Thornton at Khartsisk. At this meeting, to which Gussev had been called by MacDonald, an interchange of views took place on wrecking and espionage work. There can be no doubt whatever about this meeting having taken place, for it is established by the evidence of Gussev and the evidence of MacDonald as well as by the evidence of Thornton himself, who, however, in accordance with the tactics of his defence, denied the criminal character of the conversation that took place.

With these two reminders I would like to conclude the analysis of the episodes which directly concern the three persons I have spoken about – Gussev, Sokolov and MacDonald. I come now to the criminal activity of the accused at the Ivanovo Power Station.

I would like to start with Nordwall. What grounds have we for presenting and supporting within the whole scope of the indictment the charge against Nordwall? I think that we have more than enough grounds for this.

In 1931-32 Nordwall worked at the Ivanovo Power Station as

Metro-Vickers' installation engineer. There he came into contact with a group of local wreckers, primarily with Lobanov, and carried on wrecking operations, gave instructions to a group of engineers and technicians at the Ivanovo Power Station – Lobanov and others – to commit wrecking and acts of diversion with the aim of damaging equipment, causing breakdowns, which were carried out by these people on his instructions, and also .to conceal defects in the equipment, which was done by Lobanov, Lebedev and others. As a reward for this, Nordwall systematically paid through this same Lobanov bribes amounting to the sum of 5,000 rubles.

Against Nordwall we have first of all the depositions of Lobanov, who here and at the preliminary investigation stated that he had frequently talked with Nordwall, had discussed his discontent with the existing Soviet system and his material position, and gave utterance – as Nordwall himself confirmed here – to anti-Soviet views. On the basis of these relations, he became so intimate with Nordwall that the latter selected him as one of his accomplices. Incidentally, and speaking objectively, it is difficult to say who selected whom to be an accomplice – whether it was Nordwall who selected Lobanov, or whether Lobanov selected Nordwall, and this, by the by, is a feature which characterizes some of the difficulties encountered in the present trial in regard to some of the other accused.

Indeed, every one of the accused who was an employee of one of our Soviet State institutions – and every one of them has admitted this here, and the facts we have at our command confirm it – had for a number of years already made themselves acceptable by their anti-Soviet sentiments and anti-Soviet actions. Under these circumstances it would hardly be correct to argue that there was such an interweaving of relationships between Lobanov and Nordwall that Lobanov, this hardened wrecker, became a wrecker under Nordwall's influence. I would not like to support such an absurdity. I do not think that Nordwall offended one of those little ones, Lobanov, because he is by no means a little one. I have every reason to assume, and I will try later on to prove this by a number of facts, that Nordwall was Lobanov's accomplice, that Nordwall utilized the wreckers' group at the Ivanovo Power Station for counter-revolutionary purposes and interests, that they maintained contact with each other and that they carried on these wrecking operations, for which Nordwall paid money that had been assigned for this

wrecking work by the people with whom he and Thornton were connected.

Thus, we have first of all the categorical depositions of Lobanov, which are corroborated by Nordwall, referring to the nature of the conversations and talks that took place between Nordwall and Lobanov. And it is really funny to hear Nordwall say here that on hearing Lobanov express anti-Soviet views he did not support these sentiments, but on the contrary tried to convert Lobanov and almost restored him to the path of righteousness, because if Nordwall had really been five minutes short of being a bolshevik, as he was described by Oleinik, who was a man who to a certain degree suffered from the disease of not being able to hold his tongue, from garrulousness, then Nordwall should have reacted altogether differently to the talk, views and opinions he heard from Lobanov.

And yet, Lobanov's anti-Soviet views, which Nordwall himself spoke about here, not only did not prevent him from becoming intimate with Lobanov, but apparently did not cause any reaction on his part, if we leave out of account his own absolutely improbable version of the manner in which he reacted.

More than that, Nordwall takes a definite part, if you will, in relieving Lobanov's financial embarrassment. The episode with the fur coat is not such a simple episode as it may appear to those who are inclined to sensationally proclaim to the world that the whole charge against Nordwall is built up on a fur coat. The fur coat is a clue, but of course not the only one. Lobanov exposes Nordwall as having carried on wrecking operations jointly with him, as having given him definite instructions, as having paid for carrying out these instructions, and as having promised that the wrecker would have no reason to complain.

More than that, Lobanov testified that in doing so, Nordwall warned him to damage equipment that was not supplied by Metro-Vickers, but if they did damage equipment that was supplied by Metro-Vickers, and for which the period of guarantee had not yet expired, then they were to damage it in such a way as to prevent the blame from falling upon Metro-Vickers.

This is fully corroborated by the position adopted by certain of the accused in the present case on a number of questions connected with their, or their firm's, responsibility – by Monkhouse for example, when he himself enumerated in detail a number of defects in these turbines. He wanted to make it appear that he, as the agent of

his firm, and the firm itself, bore no responsibility for this. Everything is as it should be. If he sells, or if with his co-operation they install equipment sold by his firm which, in his own words, if he were an employee of the Commissariat for Heavy Industry he would never have bought, then everything is as it should be, because it is the system of equipment, the type of equipment that is at fault. What Lobanov said here fully corresponds to the position the accused took up and which helped to expose these wrecking operations, namely: It is better to strike at equipment supplied by another firm, but if our own equipment is to be affected then we must argue, as Nordwall argued in a certain case: It is not our business, formally, we need not interfere.

That is why Lobanov's version does not contradict the real state of affairs, the general tactics and conduct of the accused when he tries to combine his activity as a representative and employee of Metro-Vickers with his other activities as a wrecker and a spy engaged in military espionage. This version does not contradict, as a matter of fact, it reveals what was natural, namely, that it was not only possible for this talk and these criminal instructions to have come from Nordwall but that they actually did come from him.

Nordwall pays money. He denies that. But what does he admit? He admits that he gave Lobanov a fur coat which it is alleged Lobanov obtained from a friend, a mutual friend of Lobanov and Nordwall – a certain Taylor. But permit me to ask a question: Why did Nordwall undertake to act as intermediary in this transaction? Is it because he had so much time to spare, or because he wanted to help this Lobanov, who was anti-Soviet-minded and who acted against the Soviets? Of course, there may be a third version, namely, that he did not want to help Lobanov, but wanted to do a favour to his fellow countryman Taylor. It was all the same to Nordwall whether Lobanov would be kept warm with this coat or somebody else, but since Taylor wanted to sell the coat he undertook the function of interpreter and organized the sale. Apparently the Defence too will adopt this version.

But it will be necessary to reveal another small fact, namely, that as a matter of fact Lobanov did not receive this coat at once. He received this coat in Moscow, after some time had elapsed, and he received it through a certain Voronin. And who was Voronin? Voronin was the interpreter at the Ivanovo Power Station. Hence, Taylor was in a position to impose the function of interpreter, not on

Nordwall, but on Voronin, who was the official interpreter there and who brought the fur coat to Lobanov when the latter was not at the Ivanovo Power Station but in Moscow.

When Nordwall was first asked why he intervened in this business of the fur coat, he replied: Because Taylor could not speak Russian. But now we know that an interpreter was available who subsequently took part in this transaction. Then why did Nordwall intervene if the thing was so simple? This first question cannot but serve as indirect evidence corroborating Lobanov's version that he received a coat as a present to supplement the 5,000 rubles he received from Nordwall's secret funds that were assigned by the competent organization for criminal activity on the territory of this country. When Nordwall was questioned about this fur coat he gave several explanations, and at the preliminary investigation he tried to destroy the clues, to deceive, to evade facts. At first he said that he himself received 400 rubles from Lobanov and that on the same day, or the next, he handed this money to Taylor. This is entered in the records, and we remember it very well. He firmly, persistently, and without hesitation declared that he very well remembered having received the 400 rubles. And we asked him: Did you count the money, or did you put it in your pocket straight away? He said: Straight away, without counting. And did you hand the money over to Taylor like that? Without counting? Yes, like that. No, sorry, it was different. It was like this: we paid it through our account at the office.

This is the explanation recorded during the examination in the office of the Public Prosecutor of the Republic. It was put through the books of the office; 400 rubles were transferred from Nordwall's account to Taylor's account. First he says he received the money; but if he received it he should have counted it, because he may have been cheated considering the type of man Lobanov is. Nevertheless he does not count the money. He hands it over. But when he is caught he says: "No, I paid it through the office by transferring it from one account to the other, the office books show that."

What happens next? The investigator together with Nordwall go to the office and together they examine the office books and they find that no sum whatever has been transferred from either account, neither from Taylor's nor from Nordwall's. In those documents in which it is stated that the whole of the personal accounts book was examined, there is nothing that could corroborate Nordwall's sec-

ond version. Then Nordwall gets excited. A telegram appears, which he sends to London: "Please confirm that at the time in question I transferred a sum of money to pay Taylor." And a reply is received to this telegram stating: "Yes, a sum of 500 rubles was transferred." When Nordwall was asked: "How much?" He said 400, and not 500, but now he says 500, that is, makes his explanation fit in with the telegram which does not corroborate his first version. And what is the result? The result is, first the fur coat was bought. Next, the money was received but not handed over, then handed over but not entered, then transmitted to London. Nonsense, Citizen Nordwall! It won't do! And suddenly, the 500 rubles crop up, they are mentioned here for the first time; Nordwall never mentioned them once at the preliminary investigation and in the corresponding documents. The reason why is clear. It was because Nordwall did not expect the action of the investigators which was the reply to his denials and which immediately exposed them completely. That is why we say that Nordwall cannot get out of this fur coat, and he will now have to wear it himself.

Properly speaking, the coat belongs to you or to the organizations on whose behalf and instructions you were acting. We have not the slightest doubt about that.

We may be told that this is very remote, indirect evidence. We may be told that this is an isolated case, that this is even a minor thing, like the pipe which Nordwall very kindly sold, it is true for only five rubles, but nevertheless sold to this very Lobanov, to this very same anti-Soviet-minded man with whom he discusses these anti-Soviet sentiments. A scene for the gods! This "five minutes short of a bolshevik" presents a pipe to an anti-Soviet-minded man who lets him into the secret of his counter-revolutionary thoughts and sentiments! But very often minor things reveal great things. Very often these minor things serve evidence which puts us on the track and finally leads to the discovery of the crime in its full scope. It is precisely this that marks the significance of indirect evidence which, taken by itself seems to be of secondary importance.

A slight thing – a pipe, a slight thing – a fur coat, a slight thing – 400 rubles, a slight thing – four mistakes systematically repeated one after another by Nordwall, which expose his persistent desire at all costs to take this fur coat off his own coat hanger. But he fails. And it is precisely in the light of these everyday things, against this background, that Lobanov's evidence assumes the significance of

proof for the Prosecution.

We not only have Lobanov's depositions, we also have the depositions of such an authoritative witness on these questions against Nordwall as the accused Thornton, we have his list of spies in which, among the twelve out of the twenty-seven agents of the Intelligence Service, is the name of Nordwall as an agent who was engaged in economic and political espionage, in collecting information about the defence and offence possibilities of our Red Army, of our State. Nordwall does not stand alone before this evidence, he is supported on the one side by Lobanov and on the other side by Thornton, and of course it must be admitted that there appears to be something supernatural in the coincidence between the circumstance that this hardened spy Thornton blabs, exposes his network of spies, and in this respect is finished as far as the Intelligence Service is concerned, and on the other hand, the exhaustive evidence of Lobanov who, it seems to me and perhaps to many others, is not an altogether clean-handed person. But we must bear in mind that these people could not have carried out their dirty work with the aid of clean-handed persons. They struck up no friendships with clean-handed persons. When they met clean-handed persons, these clean-handed persons repelled them, in the way, for example, that they were repelled by that clean-handed person Dolgov, who took the 3,000 rubles Thornton gave him as a bribe, brought them to the O.G.P.U., revealed this bribe, and came here to the Public Court and hurled this charge in their faces. They dared not cast the slightest aspersion upon him, but they invented a story about Dolgov being in need of an apartment, that they were sorry for him and tried to help him to get an apartment. Later it transpired that they asked no questions about an apartment. It transpired that nobody asked about these 3,000 rubles. It transpired that they had to wait for the arrival of Richards in order to put this sum in order, and in the meantime they entered this sum in the "suspense account."

We will be told that we are relying on the evidence of Lobanov, but that Lobanov is not a clean-handed type. But tell me, what clean-handed people did they have dealings with? Of course, you drew into the sphere of your criminal influence only people who are not clean-handed, only those upon whom you could rely because of their venality, because of their baseness, or because of their counter-revolutionary convictions – it makes no difference to us here. Therefore, the argument that we cannot rely on evidence like that

given by Lobanov creates no impression. That argument must be rejected. We have no right from the standpoint of the logic of the judicial proceedings, we have no right from the standpoint of the logic of evidence to cast aside Lobanov's evidence merely because Lobanov's moral instability is repugnant.

Lobanov. I have spoken about him already. Of course he is a corrupt type. This is a second-rate type of wrecker and spy. It seems to me that he is the embodiment of all the peculiar features of the class of which he is a representative, of the class that is already morally corrupt, that has morally exhausted itself. His father was a factory owner, his brother rented a flour mill; that is his genealogy, which defines his moral fulcrum. We know these fulcrums, we know these morals. They are embodied in Lobanov. But precisely because of these traits, Lobanov was particularly suitable material for counter-revolutionary wrecking work, the more so that this completely coincided with his own views and aspirations. Here we have facts that speak for themselves, we have evidence which proves that Lobanov is a spy and a wrecker.

This is what Lobanov relates about himself: "I systematically put out of action the motors of the boiler chain grating by cutting the cable drive of the motor. I did this in conjunction with Lebedev." In this respect Lebedev is a more reliable type, if one may say so, with greater moral qualities than Lobanov. Probably this is due to the fact that Lebedev is a representative of a different social stratum than the son of a factory owner and brother of a flour miller – Lobanov.

Lebedev corroborates this: "The bearings of the feed pump motor were deliberately choked with sand." Further on, he says: "Frequently the house feeder was switched off, on the pretext of switching on the maximal relay."

Lobanov did this in conjunction with Ugrumov. In the depositions we have Ugrumov's testimony in which he corroborates this statement.

In the middle of March the motor of the smoke pump of boiler No. 5 was put out of order. I referred to this at the beginning of my speech. This also was done with Ugrumov's assistance – he himself says that in his depositions. In conjunction with Lobanov, the cover of the contact box of the fire-brigade pump motor was deliberately left unrepaired in order to permit extraneous objects to drop in and so create a short circuit in the coupling. This was done by Lebedev

with Lobanov's co-operation, and this is corroborated by the materials of the preliminary investigation; and all this was done completely in accordance with the plan drawn up by Nordwall.

These are the facts which permit us to say that there cannot be the slightest doubt about the part played by the wreckers' group in the fulfilment of these wrecking operations by Lobanov with the co-operation of Lebedev, and with the co-operation of Nordwall who paid money, the first time 3,000 rubles, the second time 2,000 rubles, which Lobanov distributed among all the accomplices. This is also corroborated by Lebedev. In addition to that, these accomplices were wheedled into doing these things by friendly relations, by friendly services and presents in money, a fur coat, and so forth.

That is why we maintain the charge against Lobanov on all counts enumerated in the indictment.

Lebedev. An ex-senior non-commissioned officer. That is an interesting feature. Spies seek their accomplices among ex-officers and ex-non-commissioned officers. Oleinik testified here that Thornton instructed him to select ex-military men who would be useful in the event of war threatening, in the event of the outbreak of war which has been threatening us all the time, from the very first moment of our existence. Thornton corroborates the fact that he did really speak with Oleinik about selecting men, but he alleges that he spoke about this in a different sense; again in a "gossip" sense, in the same way as he spoke about shells in a "gossip" sense, that is to say, to select men to replace the English personnel with a Russian technical personnel. But at the same time this same Thornton is very much interested to know whether Zorin was an officer, because this non-commissioned officer in the Mesopotamian army has a soft spot in his heart for officers.

Lebedev is charged with complicity with Lobanov in performing acts of wrecking. Who played the leading role in relation to Lebedev and Lobanov? Lebedev set himself the same counter-revolutionary aims which were to undermine the power of our Soviet industry and of our Soviet State. Lebedev fulfilled these aims by taking part in the organization of systematic breakdowns, damage to equipment, and as a reward for his wrecking diversional work he received money – bribes. He himself says that he received 900 rubles. We have no other facts, because, of course, they kept no special books. However, we established that in certain cases someone, for example Thornton, did keep books. But Thornton managed in

time to take his diaries, about which Kutuzova told us here, to London and so managed to destroy the clue.

Lebedev corroborated all the evidence that was brought against him and explained that the immediate aim of this counter-revolutionary group was to disrupt the work of the Ivanovo State Electric Power Station by deliberately damaging equipment, by putting machinery out of order, by causing breakdowns, by causing interruption at the station for the purpose of reducing the supply of electricity, and if it were found possible, also for the purpose of completely stopping the supply of electricity to the works which depended upon the Ivanovo Electric Power Station for their power.

Here we must speak about Zivert. I do not want to deal with him in special detail, because the crimes in which he is incriminated are very small. He did not protect the machines that he was working on from dust while they were being turned down. He received small sums of money from Thornton. It seems to me that what he told us here apparently did take place, because we have no reason whatever for throwing doubt on his evidence. In the work that he subsequently did he, to a certain extent, atoned for his crime. Of course he is guilty of the crimes that we are talking about but, Comrade Judges, you will have an opportunity in your consulting room of discussing the question as to whether it would not be possible to regard his preliminary confinement as sufficient punishment for his crime, bearing in mind the honest work he has done since then at the Dnieper State Electric Power Station.

About Sukhoruchkin. We examined Sukhoruchkin here in great detail and I will hardly be mistaken in expressing the conviction that Sukhoruchkin is one of the main and most important figures in this trial, among those now in the dock. We cannot apply to Sukhoruchkin the standard that we apply to Zivert, or to Lebedev. His general cultural level, the responsible post he held at the electric power station, namely manager of the electric technical department, chief of the operation department of the First Moscow Electric Power Station, all testify to the fact that we must make the sternest demands upon this member of the counter-revolutionary group which, acting on the instructions of engineer Thornton, put machines out of order.

At the First Moscow Electric Power Station, Sukhoruchkin carried out a number of wrecking measures. He concealed defects in equipment supplied by Metro-Vickers, when it was his official duty

to reveal these defects and take measures to secure their immediate and urgent repair and to prevent them from having any disastrous consequences. He concealed defects in the installation of this equipment, and it was precisely his conduct that brought this most important electric power station to a state in which systematic breakdowns occur which diminish the working capacity of the station, which increase the cost of operation. This applies particularly and mainly to equipment obtained from abroad, which thus led to the loss of compensation claims. All this must be taken into consideration in appraising Sukhoruchkin's role in this case, and the degree of his responsibility.

Simultaneously, he carries on diversional operations which represent a very serious crime. Sukhoruchkin enumerated here six cases: first, there was the case of the iron rack, when he personally caused a contact between the lead covering of the single-phase cable of generator No. 26-27 and this iron rack. He related here how he deliberately refrained from inspecting the equipment and when tests were made it was found that two of the switch tanks had not been filled, and that this had led to the breakdown.

He mentioned a third case, when he deliberately delayed the installation of a ventilator in the basement of switchboard No. 4, which, according to his plan, was to have led to the overheating of the cable and to its damage.

He spoke here about the deliberate causing of difficulties in the water reserve system at the station, which led to the breakdown and stoppage of turbines Nos. 22 and 24, to the necessity for repairs, which in its turn could not but result in the diminution of the capacity of the station and the disturbance of the proper operation of these turbines.

He related how difficulties were deliberately created in the boiler room in connection with the extension of heat supply to new heat consumers, which took the form of reducing the temperature during the coldest period of the winter and of reducing the supply of water.

In enumerating these cases, Sukhoruchkin did not exhaust the whole list of his wrecking activities, which bore the character of a sort of rehearsal in the event of war, when it was proposed to put the switch system out of order, the very 6,600 volt switchboard to which I have referred and which had special State and military significance. This is the very switch system which Thornton visited

twice, although, it is true, he had permission to do so. But it is important to note that Thornton obtained this permission with the help of Sukhoruchkin from the very Ryazanov who subsequently was exposed as a wrecker and convicted.

Big wrecker Sukhoruchkin. Big damager and disrupter of our economy, a convinced and conscious enemy of the Soviet Union – in the verdict of the Supreme Court he must receive a corresponding and deserved appraisal.

Krasheninnikov. Chief of the repair and installation department of this station. He began by concealing defects in equipment. He concealed defects in the rotor blades of turbines No. 26 and No. 27, concealed the defects in the governing valves of the turbines, concealed the defects in the construction of the packing of the circulation pump of turbine No. 27, which led to a stoppage of this turbine on May 10, 1931; he concealed the defects in the thread of the piston rod of the second governing valve which led to the breaking of this piston rod on April 29, 1932, and to the reduction of the load of turbine No. 26 by 5,000 kw.; he concealed the defects in the soldering of the oil piping which led to the breaking of this piping on December 9, and to a stoppage of the turbine, and so forth. At first sight it might seem that these things are not very serious – concealed certain defects. But this same Krasheninnikov was connected with Oleinik and through Oleinik with Thornton. Again the clue leads to Thornton. This same Krasheninnikov receives money through the same Oleinik and from this very same source – Thornton.

Zorin. Between Zorin and Thornton there is direct connection. Zorin here enumerated five meetings that he had had with Thornton, and in regard to these meetings I have already expressed my opinion. These five meetings prove how, gradually, the criminal counter-revolutionary wrecking connections developed between Thornton and Zorin, and how the latter undertook definite obligations paid for by Thornton, in the same way as everything that was done on Thornton's instructions was paid for.

It is interesting to note that as chief engineer of the heat supply group of the Mosenergo, he, as he expressed himself here, did not carry out any operation functions. Strictly speaking, he went to the place when breakdowns occurred. But it is precisely on these occasions that his operation functions commenced in connection with the repair of these breakdowns. The wide field that was left for

Zorin's wrecking activities on these occasions is obvious.

Oleinik. An employee of Metro-Vickers. Whether he was a good employee of Metro-Vickers or a bad employee of Metro-Vickers is not a matter that concerns us. He said here that he "did the very best he could," that he served the firm "conscientiously," just as he did wrecking work "conscientiously." He says: Everything I do, I do conscientiously. This "conscientious" man has a very peculiar notion as to what "conscientiousness" means. This man respected Thornton. But it was he who betrayed Thornton, although the latter had promised him the comforts of life and a deposit in an English bank put by for a rainy day. Oleinik says: I bound up my fate with Metro-Vickers. I linked up the whole of my welfare with them. But Oleinik's welfare, in its turn, was bound up with the criminal work he did, about which he spoke here so much and so garrulously, which makes it unnecessary for me to repeat it. It was under the direct guidance of Citizen Monkhouse and Citizen Thornton, these gentlemen who are so much concerned about Oleinik's fate, that Oleinik's wrecking "services" were rendered.

We know the kind of person Oleinik is. He is the scum of our social life, the dregs of our social life. It is all the more characteristic therefore that it is precisely this scum that deserved the confidence of those citizens who operated under the cloak of their firm; it is all the more characteristic therefore that they took types like Oleinik or Lobanov into their secret service.

Cushny. Cushny worked in Baku. I have spoken about the condition of the Baku State District Electric Power Station in the period from 1927 until recently. Cushny commenced his operations in 1928. I have said that Cushny sowed sufficient seeds to produce their poisonous shoots even after he left. Cushny is exposed, firstly, by the depositions of Yemelyanov – we have already mentioned this in the course of the judicial investigation; secondly, Cushny is exposed by Thornton, who included his name in his list of spies; and finally, Cushny is exposed by MacDonald, who in his depositions of March 12, regarding his criminal activity, says literally the following:

"The leader of the reconnaissance work in the U.S.S.R. disguised under the shield of Metropolitan-Vickers was Mr. Thornton, who worked in Moscow in the representation of the firm as chief erecting engineer. The head of the repre-

sentation was Mr. Monkhouse who also took part in this illegal work of Mr. Thornton. The assistant of Mr. Thornton for travelling purposes and his associate in the espionage work was engineer Cushny, officer of the British army, now an engineer of the firm Metropolitan-Vickers. This is the main group of reconnaissance workers which did the espionage work in the U.S.S.R.”

That is what MacDonald says. What Thornton says is evident from an examination of his depositions of March 13, where Cushny’s name is included in the list of spies. This coincidence is extremely dangerous for Cushny, and Cushny realizes this danger. Cushny behaves like a tried and experienced spy. What does he start out with? He starts out with what he ended with – with the usual methods of the spy – he refuses to give any explanation whatever. Exposed by the depositions already mentioned, obliged to admit that he really engaged in spying operations, he then, at one examination after another, categorically refuses to make any further depositions.

Here are his depositions of March 22: “I refuse to give any further detailed information of my spying operations in the U.S.S.R. I do not desire to give any motive for refusing to give information to the investigating authorities.” That is how a good, strong-minded spy replies.

Cushny is examined on March 23:

Q. “Do you plead guilty to the fact that you, in the U.S.S.R., engaged in collecting espionage information of an economic and political character?”

A. “I do not wish to reply.”

That is how this “honest erection engineer” “erects” his reply.

Q. “Do you confirm the evidence you gave when confronted with Thornton on March 22 to the effect that you engaged in collecting espionage information of an economic and political character in the U.S.S.R.?”

A. “I confirm the facts deposed by me when confronted with Thornton on March 22 to the effect that I did really arrange to have such information collected.”

Q. “Through whom among the Russians did you collect your espionage information?”

A. “I do not wish to reply to that question.”

Q. "What are the reasons for refusing to tell about your spying operations in the U.S.S.R.?"

A. "I do not wish to reply to that question."

Q. "Why do you refuse to reply to the questions put to you previously?"

A. "I do not wish to reply to that question."

This is a classic example of the conduct of an exposed spy under examination, but of a spy who is a little worm-eaten for all that. He nevertheless confessed that he was engaged in spying. Did he not write that he corroborated the facts given in his depositions of March 22, to the effect that he really did communicate espionage information? He did – but he refuses to say from whom he received this information. And why he refuses to say – he refuses to say. What is that called? That is called the denials of one who is caught, caught on the spot. But that does not save Cushny, because every step he takes, he takes on a bog of lies. And he is caught and exposed just as Messrs. Thornton, Monkhouse, Nordwall, Gussev, Sukhoruchkin and the others are exposed.

Cushny is confronted with Oleinik. Oleinik is asked: Can you name the Englishmen who were engaged in collecting espionage information, in spying? Reply: Monkhouse, Thornton, MacDonald, Cushny and others.

Oleinik corroborates this. Thornton corroborates this. But this is corroborated not only by the depositions of Thornton and Oleinik, it is corroborated by Cushny's depositions of March 23, when he refused to name the Russian engineers through whom he carried on these operations. Monkhouse also says that Cushny engaged in spying operations and that he received espionage information from Thornton and Cushny. Oleinik corroborates it. Monkhouse corroborates it, Thornton corroborates it, and finally Cushny himself corroborates it, but later he realized what he had done and declared: "I won't say any more."

You won't say any more? Don't! You have said all you could say, and you have said sufficient to enable us to maintain in full our charge against you of committing acts of diversion and of spying.

The chain of evidence against you is complete. You have no way out. Cushny, you cannot and you will not be able to break this chain of evidence against you, for it testifies with incontrovertible conviction of your guilt, and the verdict should be given accordingly.

Kutuzova. Here the circumstances are simplest of all. Right from the very beginning Kutuzova set out to make a foreign career for herself, so to speak. She says: I learned English because I wished to get a job with an English firm. Of course, there is nothing wrong about that. But this little feature, this attraction that a foreign firm had for her is interesting from the point of view of the sense of dignity of a Soviet citizen. To work, not for one's own people, but for others. Why? Because, with the others it would be possible to earn more, to get more, because perhaps there would be less work to do, because there, perhaps, there would be greater comfort. And who knows – perhaps these very connections will be useful some day – because in the opinion of all these Kutuzovas, the Soviet Government is not firmly established, and so, when 18 wreckers get together, start work... a little exertion, and the Soviet Government falls to pieces – then this service with a foreign firm will be very useful. And so Kutuzova gets this job. She says here: I could not help becoming intimate with them, because we Soviet citizens employed by Metro-Vickers were surrounded by a wall of isolation. Nonsense! Lies! There was no isolation! Dances, evening parties, rendezvous, visits, face powder, perfumes, face cream, etc. What has isolation got to do with it? Drop this fable about isolation which you allege induced you to enter into relationships of a secret, military, espionage, wrecking character! Drop it! The logic of events brought you to this path. But the logic of events was created by your own logic.

Well, you found yourself in this group. You, Kutuzova, were in their secret service. You were the guardian of their secrets. You were not merely responsible secretary of their office, but you were also the responsible secretary of the counter-revolutionary, wrecking, secret group. And you guarded their secrets, and together with them you experienced the fears and the excitement of secrecy. But, supported on the one side by Monkhouse and by Thornton on the other, you stepped over all these difficulties and, joy-riding between Perlovka and Moscow in an English automobile, among these comforts of life, you forgot your dignity, lost your conscience, forgot that you were a Soviet citizen. You sold yourself for money, and you must answer for this according to the laws of our State.

But Kutuzova has several good marks, although she obtained these rather late. She gave sincere, candid explanations. She spared neither herself nor her accomplices. Perhaps she did not tell all she

knew, certainly she did not tell all she knew, but what she did tell she told, it seems to me, with a fair amount of straightforwardness and frankness; she described her own criminal “work” and the analogous work of her accomplices, and I think that this is sufficient to take into account in finally deciding Kutuzova’s fate.

And once again, as at the beginning of this trial, we have to revert, in closing the circle of our charges, to three persons whom, as I have already informed the Court, the Prosecution does not regard as the central figures in this trial, because right from the beginning, as can be seen from the indictment, from the process of the trial and from my last formulations of the charges here, the Prosecution has held that the central figures have been the citizens of the U.S.S.R., the State employees. But of the British subjects who are charged in this case, we single out three persons, namely, Thornton, MacDonald and Monkhouse. I have already spoken about the second of these, permit me now to say a few last words about the first and the third.

Monkhouse. He has lived in Russia for more than twenty years. The Prosecution considers it proved that Monkhouse, through the medium of a number of his subordinate English engineers and also of several Russian engineers, collected secret information of military State significance; that he took part in the wrecking diversional operations of the aforesaid counter-revolutionary group, and that for this spying, diversional, wrecking work, he systematically paid out various sums of money, gave bribes to Russian engineers to induce them to conceal defects in the equipment supplied by Metro-Vickers. In other words, we take it that his guilt is proved of crimes which in the indictment are enumerated under Articles 58-6-7-9 and 11 of the Criminal Code. I have just spoken about the accused Kutuzova. Her evidence sufficiently exposes Monkhouse and characterizes his role in these wrecking, counter-revolutionary, spying operations. It was she who witnessed Monkhouse and Thornton drawing up plans to damage turbines and equipment and to put machines out of order. Kutuzova’s evidence was corroborated by the depositions of a number of other persons. The system of bribery practiced by Thornton with the co-operation of Monkhouse was corroborated by the episode of the attempt to bribe Dolgov, which neither Thornton nor Monkhouse can deny. Why was a bribe given to Dolgov? The bribe was given to Dolgov to induce him to forbear from fulfilling his duties to his proletarian fatherland. They tried to

buy Dolgov – but they failed. He would not agree to it. He not only would not agree to it, but like an honest man he exposed this attempt to corrupt him. Monkhouse was obliged to admit this, and his belated repudiation of his own confessions, bare denials, will not save him. Monkhouse thinks that he has only to say, “I deny,” “I do not say now what I said before,” to convince us of the truth of his assertion. But Monkhouse not only denies, he also lies, as was the case when he lied about the eighteen hours’ examination, for which he had to apologize. He was examined in the office of the Public Prosecutor of the Republic and he said that he does not consider himself guilty on three counts, but he admitted guilt on count 4, and count 4 is precisely the count on which he is charged, together with Thornton, of giving a bribe to Dolgov.

But that is not the only episode. Monkhouse said to the investigator: “I knew that Thornton brought various things for the Soviet engineers and technicians, but I presumed that he received money for these things.”

Hence, we can draw the conclusion that not only was Monkhouse aware of this bribery which Thornton engaged in, but took a direct part in giving bribes, as was the case with Dolgov, when 3,000 rubles were written off the books with the special permission of Monkhouse and Richards, etc.

However, I am obliged here to say several unpleasant things not only about Monkhouse, but also about several unpleasant traditions of the Metro-Vickers office. I have in mind Monkhouse’s depositions, not about himself, it is true, but about a certain predecessor, named Anton Antonovich Simon. This Anton Antonovich Simon, in the period from 1923 to 1928, was director of business between the U.S.S.R. and Metro-Vickers. He is very interestingly described by this very Monkhouse, Simon’s successor and, one can say, successor in the fullest sense of the word. How does Monkhouse describe the fruitful activities of Anton Antonovich Simon? This is what he said: “I knew that Simon had a special fund which he used for bribes.” What a revelation, like the “Secrets of the Court of Madrid”!

“I firmly believe,” continued Monkhouse, “that he was interested in certain counter-revolutionary movements, but I did not enjoy his confidence. He did not trust me for certain personal and political reasons. I cannot give exact in-

formation about his activity in this direction. Simon died in 1927 and immediately afterwards I was appointed Metro-Vickers' manager in the U.S.S.R. Right from the beginning of my work to the present day my chief was Mr. Richards whom I knew in our student days, because he graduated at the same time I did."

We will deal for a moment with this fact. And so, Dolgov is given a bribe. An active part in this is taken by Monkhouse and Richards. Later, when this bribe is exposed, Monkhouse first tries to deny it, but forced to the wall by the evidence, and seeing no way out, he confesses. And here he again tries to show that there was not bribery, that the Metro-Vickers office never practised bribery. And then it transpires that a special fund for the payment of bribes existed... Monkhouse knew that his predecessor systematically engaged in bribing the employees of our Soviet institutions. Monkhouse knew that Simon had a special fund which he used for criminal purposes. It was not only Simon who had this fund; Monkhouse had this fund also. And after all this, Monkhouse says that no bribes were given, that he is an honourable man and does not even understand what bribes are being talked about, that at most presents were given.

That is the position with regard to the bribes, or "presents." What were these bribes paid for? What was the information for which these "presents" were given? These bribes were given for information which Monkhouse collected in the same way as it was collected by the rest of the English spies. We have the evidence of Monkhouse himself which throws light on this aspect of the case. You have his depositions in which he says that he really did receive spying information, principally from Cushny, about whom we have just spoken sufficiently, and from Thornton, whose role in this connection has also been sufficiently exhaustively described.

At the preliminary investigation, during the examination in the office of the Public Prosecutor of the Republic, Monkhouse did not dare to deny the depositions he had made to the O.G.P.U. in which he said that he was engaged in collecting spying information. But he pretended that he did not understand what spying was. But immediately he had to give way and say: "I know the meaning of the word 'espionage,' I understand and know that espionage means collecting and communicating information which is a State secret."

Did you say that? Yes, you said it. Thus you were obliged to admit that you understand what is meant by espionage, that you understand that espionage is meant in the sense that it is spoken of in the charge – collecting State secrets. During the investigation Monkhouse tried to make excursions into philology. For example, from research into the meaning of the word “espionage,” he passed on to research into the meaning of the word “illegal.”

Monkhouse made this excursion into the realm of philology in connection with the case of Richards’ illegal crossing of the Finnish frontier, which Monkhouse has told us about. Correcting himself, Monkhouse added: “Not illegally, but secretly.” Very well, that is how we will put it: not illegal operations but secret operations. From the point of view of the Prosecution, this suits me admirably; I do not know whether it will suit Monkhouse.

A characteristic touch. When we speak about Monkhouse we must not forget 1917, we must not forget 1918, when Monkhouse served in Archangel, in the British interventionist forces which waged war against our Soviet Government, against the workers and peasants of our country. There he met Richards, who was serving in the notorious intelligence Service, and afterwards he maintained contact with him in his work at Metro-Vickers. Let me say that Richards’ present connection with the former organization does not interest me in the least now. This is not a casual circumstance any more than is the circumstance that Monkhouse told us about when he said that, tired of military feats in the Archangel interventionist forces, he returned to rest to London and was invited to go to Russia again – not to the North this time, but to the South, to Denikin’s army. He refused – because he was tired. I am not in the least interested in his weariness, but what is characteristic is his fruitful work in the interventionist forces under Richards’ guidance, which gave sufficient grounds for inciting him to continue his career as an interventionist – not in the North this time, but in the South, in the ranks of Denikin’s army.

The interventionists knew to whom they were making such a proposal....

And finally – wrecking, breakdowns, instigation, utilizing individual wreckers, taking advantage of the conditions which, unfortunately, have not been entirely eliminated and which are still! possible owing to the existence in our country of remnants of the exploiting classes, owing to the fact that we are living in a capitalist envi-

ronment which in a way fosters the class struggle in our country, by singling out, mobilizing and directing against us hostile, even though quite insignificant forces.

In order not to revert to this subject again, I would like to turn to another point in connection with Monkhouse which cannot but interest us, and which has already attracted our attention. I want to recall the conversations, and the notes of those conversations, that were carried on between our People's Commissar for Foreign Affairs, Comrade Litvinov, and the British Ambassador, Sir Esmond Ovey, on March 16, 19, and 28, concerning that part which refers to the attempt Monkhouse made, a defeated and unsuccessful attempt, but nevertheless an attempt that Monkhouse made at this Court, to discredit our preliminary investigation. I will touch upon a matter concerning the preliminary investigation, particularly in relation to the English citizens, and incidentally in relation to the Soviet citizens, and that is, the really extraordinary rapidity with which the investigations were conducted.

The arrests were made on March 11, and already on April 12 the work, which resulted in the material which took us five days to examine, was finished. Quite naturally, the work had to be done quickly and persistently, we had to work very hard. Comrade Litvinov was quite right when he said that we had worked so quickly because of the insistence of the People's Commissariat for Foreign Affairs, and the People's Commissariat for Foreign Affairs did all it possibly could to meet the wishes of the British Embassy. In Comrade Litvinov's notes we read that under normal conditions the examination of Nordwall and Monkhouse would have taken several weeks, but we managed to get this done in the course of three days. Hence, it must be borne in mind that if an examination took place throughout the whole of March 12, lasting approximately from 7 to 8 hours, or even 10 to 12 hours, and if on March 13, although with three recesses, Monkhouse or Thornton were subjected to examination three times, it was because, properly speaking, our organs of investigation did this under the direct pressure, as Comrade Litvinov says, of the People's Commissariat for Foreign Affairs, who urged us to get this case finished as quickly as possible in the interests of the arrested persons themselves. And, what is most material for us, as can be seen from this note, none other than Sir Esmond Ovey insisted upon the investigation being completed as quickly as possible. And while, in the endeavour to satisfy these demands, the

investigation authorities worked 8, 10 and 12 hours a day, instead of extending the examination over several weeks by examining only 2 to 3 hours a day, suddenly, under somewhat different circumstances, Monkhouse gets up, after having been inspired by others, and makes an attempt to declare that he was exhausted by examinations of 18 hours' duration. No examination lasted 18 hours, but they did last 10 hours and some lasted 12 hours, although with intervals for dinner, with intervals lasting hours for rest and for taking food, for travelling back and forth from the place of detention, which, taken as a whole, represent from 20 to 30 per cent of the whole of the time devoted to the examination. It would be useful to establish this fact in order to be able to take into account all the circumstances which apparently induced Monkhouse to take this path of slander, of malicious untruths, which even caused him a certain amount of unpleasantness and for which he had to apologize.

Thornton. Thornton is charged with the following: with organizing through a widespread network of installation engineers and technicians, employed by the Metro-Vickers office, economic and military espionage. Secondly, with having enlisted for espionage work a number of Russian engineers and technicians; with the organization of breakdowns at a number of power stations in the Soviet Union; with giving bribes for the organization of these breakdowns, and for concealing defects in the equipment installed by the installation staff of the Metro-Vickers office in the persons of certain members of this counter-revolutionary group.

What evidence have we got against Thornton? Firstly, we have against him a number of objective facts like the numerous cases of defects in equipment supplied by Metro-Vickers for a number of power stations, serious and minor defects which caused serious and minor breakdowns which gave rise to prolonged or less prolonged stoppages of turbines and hence caused us serious damage. Undoubtedly, the defects existed. Monkhouse himself has spoken about this. Firstly, it may have been necessary at all costs to conceal these defects in order to protect the interests of the firm. Secondly, to use this as an objective cause, as a screen of objective causes behind which to conceal the subjective, active, counter-revolutionary wrecking work. Thirdly, to utilize the defects in such a way as to stimulate wrecking work by organizing breakdowns. Simultaneously with that, the organization of military espionage, bribery and corruption, which, as I have already said, is one of the methods of work

commonly employed by this group, by this criminal gang who are caught and are now completely exposed at this Court.

What grounds have we for asserting and insisting upon Thornton's guilt? We have the following material. Firstly, Thornton's own confession. Thornton pleaded guilty to organizing economic and military espionage. Thornton pleaded guilty to collecting information of an espionage character through a widespread network of agents, of several employees of Metro-Vickers and people not employed by Metro-Vickers, but working in contact with them. He confessed to giving bribes for espionage to Russian engineers and technicians, which bribes were paid either by himself or through certain engineers and technicians employed by the firm. He confessed to giving bribes for wilfully concealing defects in equipment. That was at the preliminary investigation. At this judicial investigation, as you remember, Thornton denied what he had confessed at the preliminary examination with the exception of his confession concerning the collection of economic information, which, he argued, was not a criminal act.

It will be necessary to revert briefly to Thornton's conduct at this trial. Let us take as our starting point a position that is most favourable for Thornton – his confession that he collected information; we will leave out for the moment the character of this information. Let us establish incontrovertible facts, for this will make it easier for us to unravel this knot. And so, Thornton collected information through a number of his employees and through other persons not employees of his firm, with whom he had business and non-business relations. This is an incontrovertible fact and this he has admitted himself.

Secondly, he has admitted that in particular he received information from Zlatoust. Thirdly, he has admitted that he received this information from Zlatoust from Gussev and MacDonald. Fourthly, he admitted that he received no information except that which he received through these persons. This too is incontrovertible.

Now we will see what kind of information he really received from Zlatoust. We will ask Gussev and we will get the reply – information of a military espionage character; the number of shells, types of shells, the work of the rolling mill, information about high-grade steel used for military purposes. This is the evidence of Gussev and MacDonald. Here you have the sum total of facts which can leave no doubt whatever that only one sort of information came

from Zlatoust and that was military information. Thus, as they were the only persons from whom Thornton received information, that was the only kind of information he actually received. Thornton's bare denials are confronted with his own document in which he admits that he engaged in espionage of a military character.

How shall we proceed? What should we believe of this? What should we take as authentic? Quite naturally, the only possible reply is: facts alone can be believed. Did you receive information from Zlatoust? You did, you yourself said that you received it only through Gussev. We will accept that version. You yourself said that you received it only with the co-operation of MacDonald. We will accept that version, no other facts are required. Now let us see what kind of information it was. Both MacDonald and Gussev say the same thing as to the kind of information this was.

But Gussev was *not* the only person through whom Thornton obtained military information!

You will remember the statement, which Thornton does not deny, that he received information from the Mitischy Works about the manufacture of military wagons for the Red Army. He also received information from the Putilov Works. Moreover, he stated that strangers were not admitted to certain departments of the Putilov Works because, he alleges, these shops were transferred to military work, and this was particularly in 1931, in the period, explains Thornton, when the U.S.S.R. was confronted with; the complications in the Far East.

Gussev – gives information about shells; somebody else – gives: information about Mitischy; MacDonald – gives information about the Putilov Works. Thornton himself observes, listens, looks around to see what is going on. We will include the Bolshevik Works, the guns and the motors, in this point. Elliott collects information about the military department of the Ivanovo Works from people he talks to at an evening party at the house of somebody named Volkova. Oleinik had special instructions to watch troop trains going to Irkutsk.

Then there is the special interest he displayed through Cushny in the state of the Red Army. Thus we have a number of facts, the sum total of which sufficiently convincingly characterizes Thornton's role in this case.

Thus, we have a whole heap of facts which go to show that Thornton was the organizer of this military espionage. Take Mac-

Cracken. According to Thornton's own depositions this MacCracken informed him that when he, MacCracken, travelled to Kuznetsk, he saw many trains carrying military supplies to the East and also that when he was travelling from Kuznetsk he saw many troops there. Do you see how MacCracken is interested in troops and how Thornton discusses the destination of these trains? And here is Thornton's conversation with Clark. "Clark informed me about various counter-revolutionary acts that he knew of." Here fact is mixed up with fable, principally fables of the type of the Riga canards. By the by, excuse me for asking: was it not in your kitchen that the canards were concocted about a whole carload of dynamite being brought to a certain works in order to blow them up? Simultaneously with those slanders and canards "made in Riga" which are prepared with the direct and benign co-operation of the Thorntons, MacCrackens and Clarks, information is collected about the direction in which troops are moving; even the number of trains is counted. Attention is paid to what these trains are carrying, whether aeroplanes or motor trucks or men.

Everything is pried into, everything is asked about, everything is looked into. That is seen from Thornton's depositions made later than March 13, 1933. Thornton said that he did not feel well on March 13; but what about the 15th? Thornton replied: I felt better. And on the 16th? Answer: Still better. And on the 17th? – ditto. So you see, Citizen Thornton, you felt well and yet you said such "explosive" things as might have blown you up!

Or to proceed further, when Thornton was questioned on March 16:

Q. "What concrete facts in your information did you communicate to Richards about the munitions industry?"

A. "I informed Richards that the new turbine shop of the Putilov Works was closed and that our engineers were not permitted to enter. According to what our engineers said, the shop was transferred to the production of military equipment."

What is that – "gossip"?

Another of Thornton's depositions: "In 1931, when there were complications in the Far East, I informed Richards that a number of the shops at the Mitischy Works had been transferred to the production of wagons for the Red Army. I received this information from our mechanic Waters."

That's the position. Take the depositions of March 12. Here we

have a list of ex-officers and soldiers, employees of the firm. A very interesting coincidence. Then follow – Nordwall, Pollit, Riddle, Thornton, Monkhouse, and so on.

Well, Citizen Thornton, how do you stand in regard to military espionage? Not very well, I think, not very well. It follows then that information flowed to you from various directions. Oleinik gives information about the munition works near Perm. Lebedev gives information about the military department at Ivanovo. MacDonald gives information about the testing of guns and motors, about the Putilov Works, about its munition shops. Waters – ditto, Oleinik – about military trains going to Irkutsk carrying guns and aeroplanes. Oleinik is instructed while in the Ukraine to try and organize a small but compact group of ex-officers who might be useful in the event of intervention, in the event of war. Did that conversation take place? Thornton cannot deny it, although he tries to wriggle. “Do you confirm this or not?” I asked Thornton. He said: “I deny that part about selecting men for diversions and espionage, but I remember speaking to Oleinik about selecting a Russian technical personnel to replace the Englishmen...”

Whom are you telling this to? You select special people. There they are – Gushev, who is sitting behind you, Lobanov, an ex-whiteguard officer – there is your little network, your diversional group!

That is the position with regard to military spying. That is the position with regard to your own evidence, that is the position with regard to the heap of evidence that we have against you – MacDonald, Oleinik, Gushev, Lebedev and finally Thornton himself – we could bring a whole lot of other evidence against you, but this is sufficient to reveal and brand your role as organizer of military espionage operations. Then there is your document of March 13, which you tried so hard to repudiate. Comrade Judges, when we begin to speak about this document, Thornton loses the last shreds of his self-possession. He jumps up, as we have seen more than once, and says: “I absolutely deny it.” Out of ten documents he repudiates precisely this one, but not the document of March 12, which was an earlier one, not the examination of March 14, which came later, or of the 20th, or of April 1. Not one of these records of the examination of those days disturbs Thornton so much as this one does. Of course, we must say that we must leave this document to Thornton’s conscience – it is his document. He alone in the present

conditions can establish whether what he said in that document is true or not. By this document he not only exposes, reveals his network of fifteen spies who were engaged in economic and political espionage and the twelve spies who were engaged in military espionage; he also reveals the fact that the operations of this spying organization on the territory of the U.S.S.R., were guided by the British spying organization known as the Intelligence Service through its agent, Richards, who occupies the position of a managing director in Metro-Vickers. But we will leave that entirely to Thornton's conscience, that is, if Thornton has a conscience.

Thornton does not like this document, but the document is a document for all that. Thornton tried to discredit this document by talking about "moral pressure." But why did you not tell in detail what this "moral pressure" was? How was that "moral pressure" brought to bear upon you? He said: "I was told that if I gave correct information it would be all right." I will not hesitate to say the same thing now, in this hall, in the hearing of the whole world: it will be better if you give correct information than if you say what is untrue. Do I by that bring "moral pressure" to bear on you? Then he said: "I was told that if I gave other information I would be useless both in England and in the U.S.S.R." Permit me also to bring such "moral pressure" to bear upon you and to say: Citizen Thornton, you are already useless both here and there, because as a spy you have proved your utter bankruptcy, because you, twenty-four hours after your arrest, betrayed your agents and did that because you are a coward and a traitor by nature, so that even your own British spying organization can no longer trust you. And here, in the U.S.S.R., you are useless, because after all that has passed nothing useful can be expected of you.

There, I have brought "moral pressure" to bear upon you! I have shown what you represent from the point of view of the demands which may be put to you by people who have respect for themselves and respect for others, who can protect their interests and fulfil their duty, which you unfortunately have not fulfilled either to our country, because you betrayed our trust, or to the institution which had confided its secrets to you. And what else did you say about "moral pressure"? Nothing. One more remark. You say that your deposition of March 13 contains an untruth. Let us suppose it does. But have you thought about the fact that when you communicated what you did on March 13, you were playing with

people's heads, with the heads of your comrades? Did you appreciate that? No, you will not succeed in discrediting this document. Let it remain on your conscience.

Incidentally, in this deposition you mentioned one other person who is now in the dock – that is Gregory. I must say that a denunciation by an accused, or by any other person can have significance in our Courts only when it is accompanied by some objective evidence, when it does not remain a bare denunciation. When Thornton speaks about Cushny, we see Cushny's activities; when Thornton speaks about Monkhouse, we see Monkhouse's activities; when Thornton speaks about Nordwall, we see Nordwall's activities; when Thornton speaks about MacDonald, we see MacDonald's activities. But when Thornton speaks about Gregory, I must say that Thornton's bare statement, unsupported by any other facts, is insufficient to support the charge against Gregory. I think that a verdict of acquittal can be passed on Gregory.

I have exhausted all the arguments, I have exhausted all the facts at my command, if we are to speak of the most important and the most material of them.

The charge has been formulated, and for the last time. The weight of this charge has been distributed among the individual accused. My task at this stage of our trial is already fulfilled. The principal and main group has been indicated: it is Gussev, it is Sukhoruchkin, it is Zorin, it is Lobanov, it is Krashennnikov, and it is Sokolov. Then follow the minor and second-rate personages among our citizens. Then comes the group of English citizens – Thornton, Monkhouse, MacDonald, Nordwall, Cushny. Gregory I exclude from the list.

The State Prosecution has no doubt about the verdict which you, Comrade Judges, will pass on this case. In appraising the activities of each of the accused, you will no doubt decide a number of questions that we here in the process of the argument will hardly be able to probe to the full. Particularly, there is the question which I have raised and which you also will have to decide, and that is the question as to who among the various groups of accused in their various planes of contact with each other, organized, instigated, enlisted and directed the others. You will have to decide the measure of criminal repression to be applied to each of them. The charges are based on Article 58 of the Criminal Code, which categorically demands the supreme measure of social protection – death by shoot-

ing. And the activities of these people deserve that this sentence be pronounced upon them.

But our Court is a Soviet Court in which the formal demands of the law are not the only motives. Our Court weighs up all the circumstances of the case, our Court heeds the voice of its socialist legal conscience, and it will distribute responsibility among the individual accused before convicting them; it will decide this question from the standpoint of a number of circumstances which the Court always takes into consideration no matter how heinous the crime committed.

The most important circumstance in this case which I, as the representative of the State authorities, am in duty bound to remind you of, is that notwithstanding the wrecking activities of these groups of wreckers, the power and the might of our State has not been shaken. Aye, and it could not and cannot be shaken. In spite of the fact that our class enemies frequently try to strike at our State economy, our State economy continues to grow, its might becomes more and more consolidated and these people turn out to be insignificant pygmies. In passing sentence, we are never guided by considerations of cruelty and revenge. But that does not mean that when you finally decide the fate of the accused and if you find it necessary to pronounce the sentence of the supreme measure of social defence upon any one of the accused, that you will hesitate to do so. You, of course, will pronounce it, and your hand will not tremble when you sign it.

But whichever way you decide, it seems to me beyond question that one very important point in this judicial process has already been decided, and that is, the utter hopelessness of any attempt to hold up the victorious progress of our proletarian revolution.

Already the first spring of our second Bolshevik Five-Year Plan has come, and soon our socialist fields will be replete with ripening corn. This corn will soon come pouring into our cities to reinforce our industries and help to erect still higher the great scaffolding of our socialist edifice. And from the lofty height of this scaffolding of our socialist construction, crowning with new and new victories the efforts, the creative labour and the enthusiasm of the proletariat of our Party under the leadership of the Central Committee, and of the leader of our Party, Comrade Stalin, of the proletariat which is marching along the heroic path of victory, the despicable crimes by which these insignificant, venal, corrupt, and treacherous people,

who betrayed the socialist fatherland, and tried to hold up the victorious march of the socialist revolution, will appear still more insignificant, more shameful and more repulsive.

The President: I declare the session adjourned until 7 p.m.

(The Court adjourns until 7 p.m.)

[Signed] V. V. ULRICH

President of the Special Session of the
Supreme Court of the U.S.S.R.

A. F. KOSTYUSHKO

Secretary

EVENING SESSION, APRIL 17, 1933, 7:20 p.m.

The Commandant: Rise, please. The Court is coming.

The President: Please be seated. The session is resumed.

Comrade Kaznacheyev, member of the Moscow Collegium of Defence.

Kaznacheyev: Comrade Judges, it is difficult to detect anything abnormal in the fact that the Court is trying, must try, and punish the grave crimes, the ghastly picture of which has been unfolded before our eyes during the last few days! There is not a country, there is not a State, no matter what its class nature or the structure of that State may be, that would not punish acts of diversion, that would not punish espionage. Nobody ever expresses astonishment at the fact that the laws of various countries lay down severe penalties for such crimes and that the courts are the bodies whose business it is to detect such crimes, investigate and try them. But when in the Soviet Union the citizens seated here in the dock were charged with these heinous crimes, and among them there happened to be subjects of another country who are charged with being the instigators and organizers of acts for which they would certainly not be patted on the heads in their own countries, then the press of that country raises a furious campaign of slander and lies which can only have one definite aim. The aim of this campaign is to discredit the investigation now proceeding, to discredit our judicial institutions and to prove that these honourable gentlemen are victims of Soviet terror! Certain journalists even went so far as to invent the theory that we make a practice of specially staging trials of this kind.

And so while we here in this hall are hearing the case of these citizens, over there in old England, as we know from the newspapers, prayers are being raised to heaven to the accompaniment of Easter chimes for Thornton and Monkhouse who are almost canonized as saints!

I think that after all that has occurred here in this Court, after all the admissions we have heard from Thornton and Monkhouse and MacDonald, we have a right to assert that this campaign has collapsed, and that the aim of the group of journalists who organized this campaign can never under any circumstances be achieved!

I could, of course, refrain from drawing your attention to all the points I have just mentioned, but all of us witnessed the manner in which the accused British subjects tried here in this Court to contin-

ue, to some extent, this campaign of slander and calumny, tried to allege that certain special methods of examination were applied to them and tried to say that they gave certain testimonies under coercion. If all the measures of self-defence adopted by these honourable gentlemen were a matter of indifference to my clients, were entirely neutral as far as my clients are concerned, if the question of the truth or falsity of what they said in the Court were a matter of indifference, I would not dwell on the matter; but, after all, it was a palpable attempt to act in such a way as to bring about certain judicial consequences. In such circumstances, of course, I cannot ignore this attempt and I cannot avoid concentrating your attention upon it. It is along these lines that I ask you to permit me to dwell briefly upon the statements that were made by Monkhouse and Thornton concerning my clients and the other accused who are not British subjects. One of the accused, Citizen Cushny, declared here with exceptional brusqueness: "Oleinik is lying!" And now this attempt to prove that my clients came into Court to tell lies compels me to ask: What grounds are there for this assertion? Where is, I will not say proof, but even a hint of evidence that they are victims of the slander of Oleinik, of Gussev and of the others?

Now, we all know what denunciation is, we all know the meaning that is put into this word. We usually describe denunciation as totally unsupported testimony, testimony that is quite isolated, and in such cases we always speak of the possible, or at least of the supposed motives for the denunciation. If all testimony that is unfavourable to an accused were defined as denunciation, it would be utterly impossible for the courts to administer justice. In this case we were in possession of a rare abundance of evidence which is impossible to get away from, and under these circumstances it seems to me that to utter the word "denunciation" is naive and ridiculous. The so-called "lies" of Gussev and the other accused are corroborated by definite material, they are corroborated by a considerable amount of objective proof! Moreover, if we were to suppose, if even for one moment we were to adopt the viewpoint that Mr. Thornton desires, then we would have to ask: And how can Thornton seriously explain his own admissions? How can he explain the depositions made by MacDonald? Neither of them has given a single plausible answer to this question!

Finally, permit me to dwell on the last point: what did you hear in this Court concerning the motives of denunciation, concerning

the possible, or, at least, the supposed motives? The position of my clients Sokolov, Gussev and Oleinik is particularly grave, and you will appraise their testimony in various ways, but no sensible person would suppose that they wanted to aggravate their position, which is grave enough as it is, by denouncing others. I think that all this talk about denunciation, all this talk about “lies” has just one single quality – there is not a shred of even the most elementary, the most primitive human logic in it. I think that all that has passed before you and all the material which is lying on your table give me every justification to declare that the question of whether Gussev and Sokolov told the truth cannot be answered in any other way except in the affirmative.

Gussev, Oleinik and Sokolov have committed serious crimes and they do not deny them; but neither Thornton nor Monkhouse will ever be able to prove that Gussev, Oleinik and Sokolov told lies at the preliminary investigation and that they came into this Court as liars! The judicial investigation has examined the various depositions, has compared them with a considerable amount of material evidence, and these depositions have been objectively corroborated!

The crimes committed by Gussev, Oleinik and Sokolov are immeasurably grave. They came here to answer for these crimes. They now appreciate the gravity of their crimes, appreciate it to the full. And Oleinik, in giving evidence here, found the proper words with which to appraise them; he frankly said: “Nothing can be more vile.”

I have not the least intention, of course, of attempting in any way to tone down the horrible picture which they themselves have depicted here. I must say that there cannot be any dispute, and I have no dispute with the Prosecution regarding the qualification of the crimes committed, of the facts attending them or of the social-political estimation of these crimes in the present state of affairs when the question of the enhanced responsibility of State employees has been raised and settled in the decree by the supreme authorities.

Under these circumstances, Comrade Judges, the plea that I can make for the mitigation of the punishment of the accused is very limited.

The trials that have taken place in recent years confirm the thesis that in deciding the question of the fate of the accused, in deciding the question which is most important for them – the question of the measures of social defence that should be applied to them – the

main, decisive, the fundamental significance attaches to the question as to how you estimate the confessions made by the accused. The indictment treats Gussev's and Sokolov's confessions as if they were made only because they were confronted with obvious and incontrovertible proof of their guilt.

Permit me to say that, when we are discussing the question of the motives for these confessions, we cannot draw conclusions on the basis of any single moment in the life of the accused, particularly that moment when the accused is obliged to confess under the weight of the evidence. These moments cannot be isolated from all the past life of the accused. It is necessary in such cases to examine the personality and to investigate the soil on which the criminal activity, the criminal counter-revolutionary work of the accused matured.

What do we know about Gussev? Gussev comes from a working class family. His father was an engine driver whose earnings were small. The social roots of Gussev make it impossible to consider him as belonging to the enemy class! But by the will of fate and circumstances Gussev associated, received his education, and finally served in the army (I do not deny that he did that voluntarily) with elements who breathed hatred for the Soviet Government.

Permit me to say a few words on the point to which Comrade Vyshinsky drew your particular attention, I mean the fact that Gussev served as a volunteer under Kolchak.

Comrade Judges, when you proceed to examine the motives of his repentance and the sincerity of his confession, remember that, although Gussev was caught at the grave crimes he committed and was obliged to confess because of the weight of evidence against him, he confessed that he had served under Kolchak of his own accord, he confessed that he had volunteered! He told this of his own accord, notwithstanding the fact that he knew that this point would be noted and taken as an aggravating circumstance! Does not this testify to the sincerity of his confession, to the depth of the psychological change that he has undergone?

It seems to me that Gussev is a product of the environment in which he moved, in which he was raised, in which he lived. I would also ask you to note the fact that while he did not attempt to conceal his counter-revolutionary sentiments in this Court, he, for a number of years, until he met Thornton and Monkhouse, kept these sentiments closely to himself and never transformed them into counter-

revolutionary deeds. He began to engage in this activity only after he met these honourable gentlemen, and only after he had received instructions – and I will say frankly also after he had received money from them – to engage in it. The decisive role in transforming Gussev's anti-Soviet sentiments into active counter-revolutionary activity was played by these gentlemen.

I am not yet raising the question of the degree of responsibility and of the measure of social defence that ought to be applied to them and to him, but, in order that we may have a proper perspective of the case, it is important to put the chess pieces in their proper places. It is important for us to know who was the agent and who was the instigator, the initiator. And it is undoubtedly Thornton and Monkhouse who were the instigators, the organizers, the initiators. To get a really proper perspective of this case, we must say that these honourable gentlemen received their main instructions from abroad. The threads lead directly to the British Intelligence Service.

During the judicial investigation, the question arose: Did Gussev at any time try to break away from counter-revolutionary activity, did he try to give it up, was he assailed by any doubts on this score, and vacillations?

What do we know? Gussev wanted to break away, but he did not succeed. "We had gone too far," this is what Gusset testifies on this point. He says further that when he first raised the question of stopping his wrecking and spying activity, these honourable gentlemen quite distinctly hinted that if he did try to stop they would get him exposed. Then, for the first time, the spectre of disclosure loomed up before him.

We know from numerous cases of espionage and wrecking that it is usually very difficult for the culprits to break away from this kind of work – that the gripping hand of the agents of the foreign spying organizations never readily release their hold.

When, on the very first day of the judicial investigation, Gussev said that if his life were spared he was prepared to atone for his guilt, the question could not but arise as to the sincerity of this statement. The argument which I presented only a few minutes ago regarding the sincerity of Gussev's confession should, I think, serve as a basis for deciding this question also in Gussev's favour. In the final analysis it is practically impossible to judge the sincerity or insincerity of a person on the basis of judicial material alone.

But if we have no proof of Gussev's sincerity, what proof or

even hint is there of his insincerity. In such cases the question is not decided on the basis of direct or indirect judicial evidence.

This, Comrade Judges, is all the information we have concerning Gussev, concerning the change that has taken place in him, and concerning the biographical data that is necessary to enable us to decide his fate.

What kind of person is Sokolov? Let us examine him. Well, perhaps he is a very close link of Gussev's in this chain. Now what does he represent? The same ideology, the same views; more than that, almost the same biography, the same service under Kolchak – everything the same. And at last a common end – together they engaged in counter-revolutionary work, together they sit in the dock, and tomorrow or the day after they will be waiting for your verdict together, waiting for the answer to the question of their further existence, to the question whether they are to continue among the living or not..

In appraising the motives of Sokolov's confession, I ask you, Comrade Judges, to take into account the following. You will find in the case two declarations of sincere repentance written by Sokolov at the O.G.P.U. long before the trial. Moreover, here at the trial, Sokolov even emphasized points which, it seems to me, justify us in answering the question as to whether his repentance is sincere or not, in the affirmative. Sokolov confessed here that his first wrecking acts were committed as far back as 1927, and that these wrecking acts were committed by him without any complicity with MacDonald and the others. This point should be properly weighed. This point should be appreciated. And if Sokolov's repentance is deep, is sincere, does this not testify to the moral regeneration which has begun within him? Does this not testify to the depth of the process which has started within him? It is true that Comrade the Public Prosecutor, in summing up the case for the Prosecution did not mention concretely the measures of social defence which the Prosecution is demanding against the accused. But we, Comrade Judges, know that under the present conditions, in the present circumstances and at the present moment, the charges preferred against Gussev and Sokolov carry the penalty of the supreme measure of social defence.

Permit me to say that even under these conditions, at the present moment, the supreme measure is applied only in exceptional cases, and the application of this supreme measure is expedient and

necessary only in those cases where the question of the regeneration of the accused, the question of the possibility of his correction is finally and irrevocably decided in the negative.

Comrade the Public Prosecutor admitted here that both Gussev and Sokolov are second-rate persons even as wreckers. I confess I find it difficult to define their grade but it seems to me that if they can be put into grades, then they ought to be classified as second, third or fourth-rate, but certainly not as the highest or first-rate.

I think, Comrade Judges, that if no doubts assail you concerning their sincerity and the depth of the change which has taken place in their souls, they might hope that in the sentence that will be pronounced here very soon, the sentence of shooting may be commuted to some other measure of social defence.

I come now to the last of my clients – to Oleinik. Comrade Vyshinsky depicted Oleinik in repulsive colours. Oleinik told you nothing good of himself; he also characterized his grave crime pointedly and quite correctly. Oleinik found himself in the dock in the sixth decade of his life. Oleinik had spent many, many years abroad, and here in our Union he worked for a foreign firm. Oleinik became a part of this firm. Oleinik, as he stated here at the trial, said that his relations with his superiors in the firm were such that he found it difficult to deny them anything. When he embarked on his counter-revolutionary work, Oleinik did not at first realize where the borderline was between the legal and permissible and the illegal and impermissible, when he was collecting the kind of information he had a right to collect and when this work passed into the sphere of the illegal. Thus Oleinik, without noticing it himself, began to engage in espionage, began to engage in actions which are liable to serious measures of social defence. Oleinik could not even imagine how he could live without the foreign bosses. Oleinik is a good specialist with much practical experience. He was an obedient employee, an obedient tool in the hands of Citizen Thornton. Mr. Thornton and the people on whose instructions he operated, converted Oleinik into a robot that performed the tasks it was set to do. Even the Prosecution have admitted that in many cases Oleinik tried to carry out the tasks of espionage but did not always succeed. He was not a good robot by any means. You will decide whether or not Oleinik represents that type of incorrigible criminal which it is necessary to destroy. But in deciding this question do not forget, Comrade Judges, that even if we approach the question of the measures of social

defence that ought to be applied to Oleinik from the formal point of view, we have to bear in mind that Oleinik was not a State employee, that Oleinik was an employee of Metropolitan-Vickers and that the law of the enhanced responsibility of State employees concerning which so much has been said here cannot be applied to Oleinik.

Comrade Judges, I am drawing the extremely limited, modest, and perhaps insufficiently weighty arguments that can be advanced in defence of my clients, to a close.

I am not inclined in this case to indulge in lyrical interludes, but I should like to ask you that when, in a day or two, you will draw up your verdict, you will draw up that document of world significance, the contents of which will become known throughout the world, in terms that will enable my clients to glean from its words the hope that perhaps, after the lapse of some term, even if it be a long term, they will one day be given the opportunity to join in that great work of constructing socialist society that is going on in our country... That some day, after a long interval of time, they may be able to participate in this construction as useful citizens and to realize to an even greater extent the depth of the abyss into which they have fallen.

The President: Comrade Schwartz, member of the Moscow Collegium of Defence.

Schwartz: Citizen Judges, the present trial is undoubtedly of international importance. The acuteness of its political significance is clear and obvious. Public opinion in the whole of the Soviet Union is unanimous in its feeling of great indignation evoked by the grave crimes which those who sit behind us in the dock have committed. Indeed, we can put the question in this way – is there a country in the world in which technical personnel, specialists could obtain such opportunities for developing their talent, displaying their abilities and working so unhampered and freely as in the Soviet Union? Is there a country where so much care is taken of technical personnel as in this country? That is why it is very regrettable to observe, very regrettable to learn that the wreckers have not yet finally disappeared, that this disgraceful occupation called wrecking has not yet been forgotten and abandoned. Indeed, is there a country where construction is developing at such a pace as it is here? One can take any corner of the Soviet Union, one need only take Dnieprostroy, the envy of Western Europe. And notwithstanding this there are individual specialists who have not forgotten this disgraceful busi-

ness called wrecking. It cannot but be admitted that the Russian intelligentsia as a whole not only consider it their duty to work for the building up of socialism, but work with great enthusiasm, and in only a few exceptions, a small handful of the intelligentsia, which is lagging behind the masses, has not yet abandoned this disgraceful occupation. Not only the entire Russian intelligentsia, but the great minds of Western Europe also admit the successes of the Soviet Union and together with us strive to work in the interests of socialist construction. I shall not weary you by quoting extracts from many works and books of the intellectuals of Western Europe; permit me only briefly to quote a passage from Romain Rolland's letter to *Izvestia* in which he wrote:

“Be sure that with all my energy of which I have sufficient reserves, which will last me for many a day to come, I will defend the heroic cause led by the U.S.S.R. After that famous trial which revealed the blight in the heart of the intelligentsia, which took advantage of its privileged position in order to betray the working people from whose midst it has arisen, it is no longer permissible for any honest and right-thinking intellectual to remain neutral. Our place is with the Union of Soviet Socialist Republics of the workers.”

This is the voice of a great thinker, of a great intellectual of Western Europe. He is one of the many who, together with the whole Soviet intelligentsia, is fighting for socialist construction.

An important question arose at this trial. It was raised by the Public Prosecutor. It is the question of making a comparison in regard to wrecking, between our State employees and foreign specialists. It is an important question. Of course, you will see from certain arguments advanced at this trial that in particular cases individual foreign specialists were not only accomplices of this wrecking, but even instigators. Of course, it does not follow from this that the gravity of the crimes committed by the Soviet employees is thereby diminished. On the contrary, a Soviet State employee must be of such type that if a foreign specialist makes a proposal to him that is against the interests of the Soviet Union, he must be the first to give such a rebuff as would kill in the foreign specialist all desire to go on instigating wrecking activities.

Only in this way can this question be decided. That is why in my statements, while defending Soviet employees accused of

wrecking activities, I will not attempt to argue that they were induced to commit these acts by foreign specialists and therefore they are less responsible. On the contrary, I believe that a Soviet employee must be firm and sound, that he must treat anyone who attempts to induce him to commit such acts in such a manner as to discourage them once and for all.

But you, Comrade Judges, in deciding this question will take into consideration the circumstance which partly speaks in favour of individual accused – you will not forget the role which other specialists, foreign specialists, have played in this.

Sometimes a situation arises when a man is objectively inclined to wrecking activities. Being ideologically an enemy of Soviet construction, he remains passive, let us suppose, for a definite period of time. When, however, to this is added a strong impetus from outside, from a man with a strong will, such a disposition may change into action. I repeat, this does not diminish the responsibility of a State employee, but it explains much and you, Comrade Judges, in your consulting room will also not be able to ignore this question.

Passing to the defence of the individual accused, I must admit, Comrade Judges, one thing, I cannot dispute the evidence. I am defending accused persons whom it is not possible to defend by contesting the evidence against them. Those whom I am defending have admitted their guilt and in this sense my task is somewhat simplified, but in the psychological sense it is very complicated.

The psychological aspect in regard to some of the accused is not the least important thing in this trial. Take a consistent character like that of the accused Sukhoruchkin, the chief of the operating department of the First Moscow Power Station. You heard his evidence. He is undoubtedly a man of strong will. When you, Comrade Judges, will decide the question about him, you will not only estimate the evidence he gave here, but you will also make an estimate of him as a man. And from this point of view permit me to analyse the character of Sukhoruchkin. He committed very grave crimes. He has sincerely admitted them. Remember how he gave his evidence. His inclinations were anti-Soviet. He did not conceal that from you. Step by step, he disclosed all his wrecking activities, hiding nothing from the Supreme Court. All the time I asked myself this question: Does a man of such strong will as Sukhoruchkin, who has disclosed all his crimes from beginning to end here in this Court and previously at the preliminary investigation, deserve to be believed when

he says before the Soviet Court that he repents of the crimes committed by him and that he wishes in the future to work honestly in the interests of socialist construction? I think that it is possible to believe such a man.

Parallel to that, of course, I have to put a number of other questions. What was the contributory cause of Sukhoruchkin, who is a great specialist, engaging in these wrecking activities for a number of years? I believe I will be quite right if I say: Yes, he committed very grave crimes against the Soviet Government. Not only did he not justify the trust placed in him, but he crudely and criminally betrayed that trust. This is quite true. But do not forget the environment in which this Sukhoruchkin moved. He did not believe in the successes of the Five-Year Plan. His anti-Soviet inclinations were becoming more and more pronounced. He became a wrecker. But when he became convinced of the successes of the Five-Year Plan, when he began to be convinced that socialist construction is a real thing, -that the Soviet Union is making gigantic strides, Sukhoruchkin, as he declared here, definitely and irrevocably broke with the past.

The former chief of the repair and installation department of the First Moscow Power Station, engineer Krasheninnikov, committed great crimes. Now, the interesting thing is to recall how Krasheninnikov, a Soviet engineer, could come to commit such grave crimes against the Soviet Government. It must be admitted that Krasheninnikov did not begin wrecking activities all at once. Gradually, step by step, he, who already had anti-Soviet proclivities, was moved to enter upon this criminal path. Here, of course, other people played a great role. You will recollect that Krasheninnikov formerly worked honestly and sincerely. Then, while at work, he met the British engineer, Jolley. Jolley began to watch engineer Krasheninnikov. Krasheninnikov argues with Jolley, makes him repair the machines more energetically, install them at a more rapid pace, he is insistent, he swears at Jolley and even lodges complaints against him. Remember Krasheninnikov's story. He went to his superior, engineer Ryazanov, to complain about Jolley. Ryazanov, however, poured cold water on his complaints, advised him to treat Jolley with more latitude, and finally it turned out that his superior, engineer Ryazanov, was convicted for wrecking activities. Krasheninnikov succumbed to the influence of his environment, he gradually slipped down on to the path of crime and wrecking activities. Jolley not only got round him, but he even subjected him to his will. And

then we saw Krasheninnikov in a counter-revolutionary organization. Hence you see that the influence of the environment, of certain living persons, played no small part in inclining our Soviet engineer towards the criminal career which he later entered. True, the germs were inherent in Krasheninnikov himself before that.

Jolley departed. Krasheninnikov was handed over to his successor. Instead of Jolley, there appeared at the First Moscow Power Station Thornton's representative, Oleinik, bringing with him an envelope with 500 rubles from Thornton, and Krasheninnikov finally became a member of a counter-revolutionary organization. He committed a whole series of crimes. You remember how Krasheninnikov told us, step by step, in detail, about all the wrecking acts he committed at the First Moscow Power Station. They were grave crimes; there can be no doubt about that.

We were interested in learning Krasheninnikov's attitude to all this, his own estimate of his criminal acts against the Soviet Government. He answered that, by the end of 1932, he felt a sharp change coming over him. He understood and realized the great crimes which he had committed against the Soviet Government. He understood and realized that he had betrayed the trust placed in him by the Soviet Government. He repented, and here one detail of his narrative may be recalled. At the end of 1932, when he was torn away from industry, he had the time and the opportunity to think over the criminal path he had traversed in these last years. He himself realized these crimes, he felt a great change coming over him and along with a detailed narrative about the crimes committed by him, he expressed to the Court his sincere and frank repentance.

Permit me to pass on to the last of my clients, lecturer Zorin. He was chief engineer of the thermic group of the rationalization department. With the example of engineer Zorin before us, we can more easily analyse the situation when a Soviet engineer with anti-Soviet inclinations passes on to active wrecking work under the influence of another person.

You will call to mind the history of Zorin's entry into the counter-revolutionary organization. For nine years he worked honestly and conscientiously at the tramway depot. At the same time he was busy in one of the institutes. He worked as a Soviet engineer should work. He worked both scientifically and practically. Everything ran smoothly and well. Of course, he had the germs of a counter-revolutionary in him, undoubtedly, these elements had not been

eradicated at that time, but there was no activity of this sort on his part. But when he became chief engineer of the thermic group he met Thornton. You remember from the data of the investigation in this Court how engineer Zorin was gradually, step by step, drawn into the counter-revolutionary organization. There was his first meeting with Thornton. At this meeting Zorin defended the interests of Mosenergo. It was a business meeting. He defended the interests of Mosenergo, and they felt that in Zorin they had a man who might hinder them. They began to take an interest in Zorin. After the meeting there were business conversations in which Zorin was sounded. Talks about contracts not only of the British firm but also of other firms. Zorin gave some information about the competing firms. An experienced man saw at once that Zorin was a suitable person for conversation.

After some time came the next meeting – “the deeper in the wood, the thicker the trees.” Talks begin to assume a definite political character. Zorin was being sounded further, but still he continued to defend the interests of Mosenergo. They became still more interested in him. After this came a third meeting. Still Zorin did not yield. He was still being sounded, he was still an object to be prepared and brought round. At the fourth meeting they came closer to business and, finally, only at the fifth meeting, did Thornton succeed in enlisting engineer Zorin into the counter-revolutionary organization.

Citizen Judges, this is a remarkable phenomenon. Here you note a definite position, that Zorin was not to be had immediately for active operations, but that he yielded to the strong will of a stranger. Zorin joined the counter-revolutionary organization. He has admitted that he committed definite wrecking acts. The 1,000 rubles he received from Thornton was an instalment for future wrecking operations. However, his work did not develop, it was cut short by the organs of the government. Approximately, in November, when he received this money, he came to an arrangement with Thornton. In December, Zorin left for his holidays and Thornton left for England. Zorin did not return from his holiday, because he was arrested. That is why the connections with other members of the organization did not have time to mature.

Thus, Citizen Judges, you see that although Zorin’s crimes are grave and serious, still, they are not nearly as great as those of other members of the counter-revolutionary organization. True, this is not

due to him, since his counter-revolutionary activity was cut short, but objectively they are not nearly as great.

I believe that the fact that my clients admitted their guilt relieves me of the necessity of going into detail as to individual acts of the crimes committed by them, since we have questioned them at great length during the Court proceedings, it is recorded in great detail in their depositions and there is no need to analyse before the Court each particular act of a wrecking nature. But we are faced with a question of great importance, the question as to what we are going to do with them in the future, what can we propose as a concrete measure of social defence in regard to our clients, particularly in regard to Sukhoruchkin, Krashenninnikov and Zorin? Citizen Judges, in this trial the Public Prosecutor raised a very interesting question; not one, but a number of questions in the field of law. It is a well known fact that the Public Prosecutor is a very gifted and learned lawyer, and indeed this excursion into the domain of our law as well as that of foreign countries is both necessary and useful for this question. Permit me to touch only on one question in the domain of criminal law.

Our criminal law knows “measures of social defence.” We have discarded the terminology – “crime and punishment.” Of course it is not a question of words.

Permit me to remind you that in scientific circles the question was raised many years ago, when the question of terminology was being discussed, as to the meaning of the concept “punishment” and “measures of social defence.” Our criminal law adopted the most revolutionary theories in this domain, and it also adopted the concept and the term: measures of social defence.

What does this mean? It means that the idea of vengeance is alien to our Soviet criminal law. The Soviet Court does not wreak vengeance: it protects the dictatorship of the proletariat from enemies, from dangerous acts. That is why the question as to the measure of social defence is connected at the same time with another great question – what may be proposed to the Court when it has before it people who have committed grave crimes, but who are capable of improving in the future? That is why, in these proceedings, the question as to the measure of social defence is one of the great questions. Of course, the measures of social defence must conform to all the requirements set forth in Clause 9 of the Criminal Code.

The Public Prosecutor said in regard to the accused that they are

second-rate wreckers. There is no doubt about that. Wrecking has not yet stopped in our country, but with the pace of our construction, with the successes which the Soviet Union registers every day, with the achievements we are witnessing, these crimes are powerless to diminish the growth of Soviet economy. This once again confirms the successes achieved by Soviet economy, the pace at which socialist construction is progressing. For it, no enemies are, or can be, terrifying. When the question is put in this way, Citizen Judges, you can put alongside of it also the other question as to what measure of social defence is to be applied to Krashennnikov, Sukhoruchkin and Zorin. Is there a guarantee that Krashennnikov, Sukhoruchkin and Zorin, after they have served a long term in prison, after their sincere repentance, expressed here before the Supreme Court, may continue to work and be useful to the Soviet economic construction? You have heard their evidence, you have seen them for yourselves, Citizen Judges. Remember how they gave their evidence. There may be different kinds of repentance from the point of view of judicial analysis. There is repentance which tends to minimize guilt. You will give no credence to such repentance. But you are studying the accused who are before you and when you are convinced that after repenting they break completely and irrevocably with the past, you will believe that repentance. If you believe them, you will say that they committed grave crimes against the Soviet Government, but that having appreciated their crimes and repented they must bear a severe measure of social defence by being deprived of liberty and, by their work, by intense work rising to the height of fervor and enthusiasm, repair the damage done to Soviet economy.

This is what I ask you, Citizen Judges, and with this permit me to conclude my speech.

The President: Comrade Pines, member of the Moscow Collegium of Defence.

Pines: Comrade Judges, I can quite understand the indignation against the accused in the dock, and the agitation which moved the Public Prosecutor during his speech yesterday and at this morning's session – it is quite natural and follows from the essence and nature of the present trial. Indeed, not only is every lawyer who has taken part in the present proceedings agitated by the circumstances of this case; every honest rank-and-file Soviet citizen finds it difficult to maintain his equanimity in the face of crimes such as those with

which the accused are charged; I say difficult, because these crimes were directed against the main branch of Soviet economy, I say more, directed against socialist construction.

However, permit me to assure you that the Defence will exert all its efforts to maintain complete calm and objectivity in the estimation of the activity of each of the accused whose defence has been entrusted to me, because calmness and objectivity are the best concomitants of a correct solution of the problems facing the Defence.

I must say that in my capacity as Counsel for Lobanov, Lebedev and Zivert I was lucky, lucky for the simple reason that all these three accused chose a correct method of self-defence. All of them, at the first examination at the O.G.P.U. as well as at the subsequent examinations and also at the questioning by the Investigating Judge on Important Cases, repented and confessed all they had on their minds. They opened their hearts, kept nothing back, not a single word, not a single incident, but as I said, in their repentance they set out everything they had committed, explained in detail and sincerely how they had arrived at such a pass.

Lobanov, for instance, at his first examination by the O.G.P.U. on March 24 declared: "I decided to confess to the organs of the O.G.P.U. quite frankly and to disclose all the wrecking work carried out by myself and the British expert Nordwall, in deliberately damaging equipment."

It is clear from these very first words of Lobanov's confession that it is useless and superfluous to speak about qualifying the acts with which Lobanov is charged. It comes under Article 58 of the Criminal Code. There can be no dispute with the Prosecution about that.

The accused have admitted that it was deliberate wrecking. Comrade Judges, the task of the Defence is to convince you by practical arguments that where Lobanov says in his evidence that he is a victim of the British expert Nordwall, you must not follow the example of the Public Prosecutor, who for the rest treated Lobanov's evidence with full confidence, but that you must treat this part of Lobanov's evidence also with full confidence.

If there is any divergence of opinion between myself and the representative of the Public Prosecution in relation to Lobanov, it is solely in regard to this circumstance. The Public Prosecutor said: "I do not want to support Lobanov's version that he is Nordwall's vic-

tim.” But I must frankly say that that is exactly what he is, and from my point of view, there is very weighty and convincing data and material in the case to prove this.

What is Lobanov? Comrade Judges, you always attach considerable importance to the personality, to the social physiognomy of the accused person who is before you in the dock. From this point of view, also, Lobanov has nothing to boast of. He is the son of a manufacturer, the brother of a merchant who rented a flour mill. He was ten years old when he lost his father. His studies at the secondary school and at the university – at Ivanovo Polytechnical Institute – were paid for by his brother. He told you about the environment in which he moved when he was at the secondary school. Who were his companions? They were people who took part in uprisings. They were also children of merchants, children of capitalists. At the Institute too he was in similar surroundings.

And while the Public Prosecutor is quite right in saying that Lobanov came to the Ivanovo Power Station a morally unstable man, I shall add to that, that also in regard to politics he showed himself an equally unstable man politically, or, to put it more correctly, a man without any political views.

Indeed, what convictions can a man have who, while at the Institute, where he studied from 1920-28, not only took no part in social work, but, on his own admission he took no part in political study circles, took no interest in anything outside his technical studies, and, to his shame be it said, he hardly ever read a newspaper.

An anti-Soviet disposition was bred in him and it found expression in his being discontented generally with everything going on around him. He found his salary insufficient, his home not sufficiently comfortable, his conditions of life unfavourable. He came to work at Ivanovo Power Station, let me say, as an ordinary philistine, a petty-bourgeois type...

Comrade Judges. You know very well that we have people with anti-Soviet inclinations. However, there is a gulf separating anti-Soviet inclinations and wrecking activity. For wrecking activities, special qualities are required such as fortunately not many possess. It is not sufficient for a man to have anti-Soviet inclinations. It is not sufficient to be dissatisfied with what is going on around and to desire to have something better for oneself. No, a wrecker must be resolute, must have energy, courage and initiative.

I will say that this resolution, this courage coming near to au-

dacity and cynicism, was instilled in Lobanov's mind by none other than the British expert Nordwall.

Comrade Judges, we must admit that the British specialists were not bound down by stereotyped methods of influencing Soviet citizens, State employees. They always made a very careful preliminary study of any Soviet worker before enlisting him for espionage and wrecking work. They carefully studied his past and his psychology, and their method of influencing him was adapted accordingly. Having made the acquaintance of Lobanov and having convinced himself of Lobanov's social origin by private conversations with him during their journeys in the special train from the power station to Ivanovo, he usually carried on conversations with accused Lobanov on these subjects. Comrade Judges, in one of the conversations, and Nordwall himself told us here in the presence of the Court that there were many such conversations, Lobanov began to relate that he was badly provided for, that he lived badly for an engineer. How did the accused Nordwall, who some here have described as almost a bolshevik, react to that? He didn't say to Lobanov – how is it that you are dissatisfied, you, a young Soviet engineer who has just started work at the power station and who, after a short time, were sent to Leningrad to study, to raise your qualifications as an engineer at the expense of the administration of the power station, you, who are a member of the organization of engineering technical workers, who enjoy a number of privileges, advantages and benefits in accordance with your laws, you, a young engineer, who have worked hardly a year at the station and already receive 500 rubles per month, aren't you ashamed of yourself? No, Nordwall didn't say that. Taking into consideration Lobanov's disposition and psychology, Nordwall told him the following: "In England, our engineers live much better than that." And shortly after that, having met Lobanov at the office he tells him plainly: "Well, we have had enough talking, it's time to start work. You will have no reason to complain."

Comrade Judges, it is impossible not to believe Lobanov, to doubt that this is exactly what happened, that none other but Nordwall got him into the counter-revolutionary organization. Lobanov is truthful even when he admits what is to his own disadvantage. Nobody forced him to say that it was he who recruited Lebedev, who was foreman in his department, into the wreckers' organization. This is the best proof that the man has really told everything. We may be-

lieve then, that in respect of Nordwall too, Lobanov has told us the actual truth. It is idle for Nordwall to maintain that all this is not true. According to Lebedev, at the social evenings in which the British specialist Elliott took part, the name of Nordwall was very often mentioned in connection with conversations on the subject of wrecking and of his "business" connections with Lobanov.

Thus, Comrade Judges, I consider that the fact that Nordwall influenced and instigated Lobanov is absolutely proved. Lobanov had served altogether about a year at the power station, and it should be noted that it was the very first post he occupied after graduating from the Polytechnic Institute, because in 1928, although he served at the Ivanovo Power Station, it was as a plain draughtsman and afterwards as a constructor. It was only from 1930 that he began to work as an engineer. The meeting with Nordwall took place in 1931. Lobanov is a common-place philistine, not sufficiently experienced as a specialist, had not yet grasped the entire work of all parts of such a colossal enterprise as the Ivanovo Station, and he was incapable of committing wrecking acts independently, on his own initiative. Until the meeting with Nordwall he worked absolutely honestly. This is confirmed by the fact that he was sent to Leningrad. We know that an institution only pays for the studies of those people who have distinguished themselves by their work and by their attitude to their duties.

Now, Comrade Judges, when the question arises – what should be the measure of social defence to be applied to Lobanov, permit me to say that Lobanov is only thirty-five years old, and to ask, should this man, who, although he has committed an exceptionally great crime, was drawn on to that path of crime by another stronger person, should this man, who in this case was inspired by a British specialist, should this man, who was enticed and urged on by others, suffer an exceptionally severe measure of social defence? He is quite a young specialist and if you will mitigate his lot, I do not doubt that in the course of the rest of his life he will be able to prove that he really can and wants to work for the construction of socialism. Comrade Judges, he has assured us of that and allow me to hope that you believe him.

Permit me briefly to draw your attention to the accused, Lebedev and Zivert.

What is their past?

Lebedev is the son of a bookkeeper in Nizhni-Novgorod. He

began to work at the age of sixteen. By the time of his arrest he had behind him thirty years' work as a fitter, mechanic and machinist in various State enterprises.

From the first days of the revolution he also worked at his trade. There was not a stain on his character up to that time, and now, in the fifty-third year of his life, this absolutely honest worker takes the path of a wrecker. It is not necessary to adduce surmises, proof or reasons to be firmly convinced that he was put on that path by no other than the British specialist Elliott. Elliott excellently appraised one weakness of Lebedev – his weakness for a drink in company – and he began to get round Lebedev, with the help of Volkova who worked at the Ivanovo Power Station. One evening Elliott appeared with Volkova in Lebedev's apartment and there, after they had a drink and a good meal to the tune of the gramophone, Elliott began his whispering on the subject of wrecking; the intoxicated man gives his consent and after that he acts all the time under the dictates of Lobanov and Elliott.

Lebedev "worked" badly. They were all dissatisfied with Lebedev's work, he felt disgusted with this work, and in 1931, he left the Ivanovo Power Station on his own initiative, having declined all the advantages which the British specialists promised him and he went to work in another institution.

I hope that I may count on Lebedev being given the opportunity of continuing to work in the future.

Now about Zivert. I have still less to say about Zivert, because I am his second Counsel. His first Counsel was the Public Prosecutor himself, who correctly noted that Zivert's crime was a very small one and that he, undoubtedly, was set on the path of wrecking activities by the accused Thornton. Zivert was a man who all his life was taken up with the question of electrification. He said himself that all his life, his aim and object was to study electrification and electrical engineering.

And, when in 1931 at the Ivanovo Power Station he met Thornton, who kindly offered to explain to him all the details of machines and all the technical questions which interested him, he was delighted with this foreign specialist. Here, too, he testified that Thornton was a pleasant and obliging man.

Simple, trustful, old Zivert did not even suspect that the principal subject he was being taught in the study where Thornton helped him in his technical difficulties was the theory and practice of espi-

onage and wrecking; and because of his simplicity and trustfulness Zivert fell a victim to Thornton.

"You shouldn't work so diligently," said Thornton, and at the same time shoves 500 rubles in Zivert's pocket.

Comrade Judges, Zivert very soon discovered what a terrible company he had joined and definitely determined to make his escape.

He left for Dnieprostroy and broke all connections with both Thornton and the other British specialists. Zivert says: "In 1932 I happened to be in Moscow and met Thornton. Thornton offered me work in the Metro-Vickers office. He offered excellent conditions, 1,000 rubles salary, Torgsin cheques and other advantages." Zivert declined this temptation and continued his work at Dnieprostroy.

Comrade Judges, allow me to rely on it that you will take into consideration all the circumstances in which Zivert accidentally became a wrecker, and that you will estimate his crimes in accordance with that and will not deal with him severely.

(At 9:00 p.m. the Court adjourns until 9.20 p.m.)

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Commandant: Rise please. The Court is coming.

The President: Please be seated. The session is resumed. Comrade Smirnov, Member of the Collegium of Defence.

Smirnov: Comrade Judges, the position and the limits of the defence of the accused MacDonald are first of all determined by his admission of those grave State crimes with which he is charged. This admission, to use the terms employed by Comrade the Public Prosecutor, is sincere, honest and courageous, and discloses in all its details the fact of his criminal activities, and not only of his own, but of a number of his accomplices in this case.

Thus, the factual aspect is beyond dispute and, as one of my comrades has already said, there is no basis for contesting evidence. Neither is there any dispute, of course, on the purely juridical question, the question as to how to characterize the criminal activities of MacDonald. They all fit into the framework of those juridical formulae which are contained in the various sub-sections of Article 58 of the Criminal Code. But there is one field, at first glance perhaps a

small field, where the manner in which the Public Prosecutor has dealt with the subject seems to me to offer ground for dispute, namely, in regard to the role of MacDonald in the case, the estimate of his personality, his character and his importance.

The Public Prosecutor, in a convincing and talented fashion has given us a general picture of this case of great political and international importance. He has portrayed with unusual lucidity the general background on which the case unfolded. He has given a deep analysis of the case as a whole. But it seems to me that in the allocation given by the Public Prosecutor to the individual figures he was guilty of some, perhaps a considerable, distortion of the perspective. It seems to me that even the small and quite accidental slip which Comrade the Public Prosecutor made in regard to MacDonald (and which he subsequently corrected), to a certain extent shows that the disposition of the figures against this general, huge background was somewhat difficult and therefore – I do not speak and I will not and cannot speak about Monkhouse's and Thornton's guilt – when all these three accused were put together in one group, it seemed to me that the perspective was distorted. In order to explain to you my idea, in order that it should become more convincing, I must, Comrade Judges, unavoidably revert to some biographical traits relating to the civil engineer, MacDonald, as the Public Prosecutor called him.

Who is MacDonald? Let us bring to mind the scanty data which the material in this case offers us. I turn to his questionnaire, I turn to his depositions which are to be found at the end of Volume XII of the dossier of the case. I recall to mind also what he said here at the Court, and there rises before me a picture of a petty-bourgeois British family in which William MacDonald was born in 1903.

According to this questionnaire and his own statements, we know that his father was an engineer. There was a father, mother and the eldest son, this same William. Three years later a girl was born into this family. And six years after that twins were born, a boy and a girl. It is the family of a British engineer, undoubtedly an engineer in a small way, an engineer who moves from one city to another. William was born in London, studied in Sheffield, where, as he deposed, his family now lives.

What is a British engineer? What is an engineer in England? We have heard here and we know, that sometimes, what is called an engineer in England is hardly more than what here we call a me-

chanic. Obviously, MacDonald's father should be counted among such engineers. I think that I am not mistaken when I say this because we can judge of the hardships of this family, by the same questionnaire.

We know that William MacDonald, at the age of seventeen, without having completed a higher education, went to work at a salary of three pounds a week. From the same questionnaire and the examination of MacDonald, we know that his sister is working in a library and the youngest brother, who is now twenty-one years of age, works somewhere as a bookkeeper. They are all working in the family. All work, with the exception of the already aged mother who keeps house.

Does such a family generally take an interest in politics? Does such a family have any more or less correct idea about the Soviet Union? In MacDonald's biography there is another circumstance which undoubtedly could not but have its reflection in his entire character, psychology and outlook, and finally in his experience of life.

While still a child of ten or eleven years of age he injured his leg and in such a way that the result was a twist of the bone in his hip. He was confined to bed for a couple of months and then for five years he walked with the help of a special appliance. We can see here living evidence of that. He is lame and probably will remain so for the rest of his life. At any rate, ten-year-old William MacDonald was already a cripple, at first confined to his bed and afterwards forced to wear this appliance.

Had his legs been sound, then perhaps they would have taken him into a working class district where he would have met with some other William of a more common type, he would have seen a corner of a life different from his petty-bourgeois, middle-class, intellectual British family, an idea of which I believe you can gain from Dickens' old novels, or from some other novels, which depict this environment.

And now this sixteen-year-old William MacDonald, who had not seen much of life around him and who probably never left the precincts of his garden or courtyard, as soon as he regained strength, and when he had hardly entered high school, was sent to work, obviously by his father. They cannot think of high school, he must go to work and learn to earn money. It is quite clear to me that for this family, personal well-being, personal comfort, formed perhaps the

whole limit-of all aspirations in life. This fact alone – that William MacDonald who had just turned sixteen, started work at three pounds a week, which is really a miserable pittance and this miserable pittance he was getting for several years – this, to my mind, shows quite definitely what his social position was. It was not only because he was young, not only because he was a cripple that he did not become an officer, but because he was not a representative of that real bourgeois class of British society, of which we can judge likewise by some of the more modern novels. He was not a representative of those families, members of which get their education in Oxford or Cambridge or who sometimes, like Monkhouse, graduate from two faculties of a university and whom the family can allow to complete the highest education in order that they may get on in the world, equipped for that purpose from head to foot.

And now, a few years later, thanks to his father's friends, as William MacDonald deposed, he was offered work in the U.S.S.R. and here they paid him twelve pounds a week. What is Russia? What is Soviet Russia? What was Russia in 1928? How is William MacDonald to know that? Even if we assume that the family did read newspapers, and I suppose they did, they were exclusively English papers. As for the English papers, I do not remember who it was, I believe one of the accused Englishmen, but someone in Court has told us something about the kind of information printed in English papers about Soviet Russia.

What ideas could he have had about Soviet Russia when he left for the Soviet Union in 1928? What did he know about it and what could he know about it, except that some bolsheviks were ruling the country, that it is a technically backward country which is striving at all costs to overtake and surpass even the most technically and economically advanced capitalist countries, that they need foreign technical equipment and therefore are in need of foreign mechanics, technicians, engineers and that these mechanics, technicians, engineers are being paid good money and that they are valued, that one can live well here, that one can earn so much money that part of it, a considerable part, could be saved and deposited in the bank.

These are the ideas about Russia with which William MacDonald arrived in Moscow in 1928. Citizen Judges, he arrived here absolutely ignorant of the Russian language. He spoke no Russian and there was no place where he could learn Russian. He arrived here without knowing a single word. Perhaps that is why at first he

worked close to the Moscow office, in Moscow, in Leningrad, where he met people who knew his native tongue. But, of course, these people are not of working class families.

Then he goes to Zlatoust. When I begin to think of this, Citizen Judges, I feel ashamed, I am pained and horrified at the thought that Russia, of which William MacDonald had properly speaking no idea at all, appeared to him in the terrible and ghastly image of Vassily Alexeyevich Gussev.

He came to the Land of the Soviets. Who met him here? He came to work here. He had heard that a great work was going on here. But the first man he met was one who began to express to him his dissatisfaction with the Soviet system, who before anything else began to tell him that he did not have sufficient pairs of trousers, that he was not dining sufficiently well and according to his tastes, that he lacked this thing and the other, he began talking to him in the exaggerated language of those ideals of philistine well-being to which he had been accustomed in his circle, in his family. And now, Citizen Judges, it appears to me that in order to reveal the substance, the psychological significance of these ideals we would have to have the penetrating, artistic touch of Dostoevsky, it would have to be done with the pen of a great author and not with the pale words of a Counsel for the Defence. And when the accusation is made, not by the representative of the Public Prosecution, but, I regret to say, from the table of the Counsel for the Defence, that MacDonald was the one who corrupted Gussev, I say: It is not true! Whom did MacDonald corrupt? Did he have to corrupt a voluntary henchman of Kolchak who fought in the ranks of the White army against the Bolsheviks, who in 1922 came to the Zlatoust Power Station in the capacity of assistant foreman, and whom these same Bolsheviks gave the opportunity during seven years to rise to the post of chief of that station? Was this Gussev the one whom it was necessary for MacDonald to corrupt? Is it at all possible to corrupt a person who is capable of selling his own country for a few hundred rubles?

The representative of the State Prosecution spoke here about national dignity. I will not use more lofty words, but all my sense of national dignity revolts at the thought that a Soviet engineer, Gussev, who during these seven years made a career for himself which was excellent even from his own point of view, was capable – for 500 rubles – of selling his country to a foreigner..

And when it is said here that MacDonald was the instigator, that MacDonald was the corrupter, that if it were not for MacDonald, Gussev would have been walking the path of righteousness, that Gussev has undergone some sort of a change, then I say: No, there is no change, because we cannot speak of a change in regard to a person who is capable of selling his country for a mess of pottage. And, Citizen Judges, I wish to say in addition, although this has no direct bearing upon MacDonald, that it was even more strange to listen to the argument of my beloved and respected colleague, Pines, who wondered why it was that the “near bolshevik” Nordwall did not teach Lobanov how to behave, that he did not say to him: What are you doing, Lobanov? Is this the way to behave? You ought to work honestly, be an honest Soviet worker! You are living in the land of socialist construction, and, if you do not work with zeal and enthusiasm, you should at least honestly lay your bricks into the foundation of this new edifice. But what does Lobanov’s Counsel expect? What do Sukhoruchkin’s Counsel and Gussev’s Counsel expect? Do they expect an English engineer to come here to teach Russian State employees who, as Pines himself admits, have experienced nothing but fair treatment at the hands of the Soviet Government (even Lobanov had a very good salary) do they expect an English engineer to stop them in their attempts at wrecking?

No, Comrade Judges, I think as does Comrade the Public Prosecutor that this version about the instigation, about the corruption of poor innocent lambs should be cast aside, that this has nothing to do with the case.

I think that these people came here and found themselves on a soil where these poisonous plants, these terrible weeds were growing without being sown.

Now permit me to deal with MacDonald from another angle.

Who was MacDonald? What was the position he occupied in the firm? Was he of any importance in their Moscow office? Was he ever called upon to take part in any conferences? Nobody has ever said that. We are told he was given definite instructions: Go to Zlatoust, go to Zuevka – and he obediently went from place to place when he was told to do so, he did that which he was told to do. At the same time he was assigned tasks and he was told: Remember, you are working for the firm, you are working for a private enterprise, the interests of your employer should be above everything

else.

He remembered that, he knew that. In his bourgeois country, in his capitalist England he had acquired from infancy these very ideas, these very conceptions: the interests of the firm above everything else. And when his superior told him that these interests were so-and-so he believed that, particularly, being a disciplined Englishman, it was his business to obey.

Citizen Judges, I think and I believe the representative of the State Prosecution takes a similar view, that there is a tremendous difference between the way in which we must approach the servants of a socialist State, servants who are the masters of their country, on the one hand, and servants of private capital, foreigners, on the other. This is so clear to me that I think that to speak further on this subject would be like spelling out the letters of words which are simple enough as they are.

Yes, he collected information. He was told: "Collect information," and he collected it. When I am told that MacDonald is a cunning and subtle person I say: No, it is not so. But even if he is a cunning person, he is not such in this case, not at this moment, and was not when he appeared before the investigating judges. There this MacDonald did not resort to any cunning, he did not resort to any tricks, and I think that the lines of one of his last depositions are truthful from beginning to end.

Permit me to quote these lines: it is page 58, Volume XII of his depositions of March 17: "I presume that a certain part in my crime was played by the conditions in which I lived, grew up and developed in England." MacDonald himself said this in his deposition on March 17: "These conditions were the usual bourgeois conditions, which did not enable me to understand correctly what is going on in Soviet Russia."

And further: "I did not occupy a big post in the firm. Apparently Thornton and Monkhouse did not think that I was capable of doing important, independent work. I suppose that owing to these personal qualities of mine I was assigned a comparatively small part in the work against the Soviets." I think that there is hardly any ground for questioning the truthfulness of these depositions since the man made them after he had on five or six consecutive days answered in the affirmative to all the questions as to whether he had committed acts of wrecking, whether he had collected espionage information, whether he had organized acts of diversion.

And now, Citizen Judges, from my point of view this should to a large extent be ascribed to the fact that he was a subordinate person, that in the bourgeois – I should say banal sense of the word – he obeyed the orders of his superiors.

I therefore think that it is incorrect to put this person in the same light, to put him on the same plane as Monkhouse and Thornton – irrespective of their guilt, but in regard to their possibilities, to their importance, to the opportunities they had of committing the deeds that are ascribed to MacDonald. Such, I think, was MacDonald's role also in Zuevka. The representative of the State Prosecution dealt very cursorily with this episode, and indeed there is no need to repeat what has been said. Even though Kotlyarevsky was not a volunteer under Kolchak, still, he himself speaks of his anti-Soviet sentiments, of his being very dissatisfied with the conditions under which he lived. Kotlyarevsky himself, with rare – I would say even with naive – cynicism, with a complete lack of this sense of national self-esteem, began to tell MacDonald, almost during their very first meeting, about how hard his life was, about how difficult was his material condition, and so on, and accepted 500 rubles from MacDonald. It is true that Kotlyarevsky says he thought that this money was given to him as a loan, but I doubt whether he really thought of returning it; I doubt whether he for a single moment had any intention of returning it. When, during the second meeting, he brought MacDonald the plans, plans which apparently were rather insignificant from the point of view of military espionage, and when he received the second 500 rubles, although he understood that the first sum was not given as a loan, still he did not have manhood enough to decline the offer and, thinking that he was sinking, he decided to sink even more deeply and to take this further sum of 500 rubles.

Accordingly, in this case as well there are no grounds for talking about Kotlyarevsky being corrupted by someone.

Now, Citizen Judges, I therefore think that, in order to put the person of MacDonald in his proper setting and in his proper light, it is necessary to take into account all these circumstances: on the one hand, MacDonald's subordinate position – he was a rank and file engineer, he himself said here – No, something more than a mechanic, but he did not say that he was an engineer; MacDonald who had no diploma – he spent less than a year in the University – MacDonald's position as a rank and file employee of the firm obliged

him to submit to his immediate superiors; and, on the other hand, it is necessary to take into account the conditions of his education, of his life, of his work. Add to this the unusually favourable soil on which were growing the most poisonous flowers of espionage and wrecking activity and on which he happened to tread during the very first years of his work at a time when he already could speak a little Russian, could in some way see what was going on around him.

In my opinion there is another very important circumstance which should serve to mitigate MacDonald's fate – that is, his confession. The representative of the State Prosecution himself did not qualify this confession with that commonplace word "sincere." It was a straightforward, conscientious, manly confession.

Indeed the behaviour of MacDonald, of this civil engineer, was unquestionably more manly than the behaviour of the "brave warrior of Mesopotamia," as the representative of the State Prosecutor called Thornton. If you take into account the subordinate position MacDonald held, if you think of the fact that he had to testify not only against Russian engineers, not only against Russian wreckers, but also against his own countrymen, who were his patrons during his stay in Russia, who perhaps will be in a position to decide his career in the future and whom he looked up to as important personages in his own good old-England – then you will agree that it took genuine, real courage to make such a confession.

Citizen Judges, when they speak here of change of heart, of an unusually sudden repentance, I seem to detect a false note in that kind of talk, it seems to me that it is psychologically false. But as far as MacDonald is concerned, I think that precisely because of his social roots he is not a class enemy, that perhaps because he comes from a family of workers and it is easier for him to comprehend what is going on in Russia, that therefore, Citizen Judges, his confession is really conscientious and straightforward.

I will not speak of MacDonald undergoing any change of heart. There was talk here regarding Lobanov's youth. And I also in passing want to stress this circumstance which is perhaps not very significant, that the youngest of all the accused in the dock is MacDonald. He is only twenty-nine years old. He is in his thirtieth year. His life is still before him.

I think that perhaps for the first time in his life, MacDonald has now begun to think under the influence of the really enormous

events which have taken place in his own life, and under the influence of all these things which he has at last begun to see with his own eyes. When he came here from the peaceful petty-bourgeois environment of England, his teachers were Gussev, Sokolov, Koltzarevsky. And when he broke away from this school, never mind why, perhaps he indeed for the first time in his life stopped and asked himself: What has happened? Why did it happen? He stopped to think!

Citizen Judges, there is a small circumstance which for some reason no one else has noted. MacDonald left Zuevka in 1932. Afterwards he was in Orekhovo-Zuevo, and so on. I do not think there were any wrecking acts in that period; had there been any, they would have appeared in the indictment. That being the case I would ask: Was it not in September 1932 that MacDonald began to think?

I am led to think so by this small unnoticed circumstance. There was very much talk here about Thornton's notorious deposition on page 26 of his dossier, about "Thornton's list of spies." And you will remember that in this list there are two main groups. One group contains the names of those who belonged to the spying organization, to the wreckers' organization, and twenty-seven names are mentioned with different sub-divisions. Among these names is also that of MacDonald. But then there is a second section where it says: "On March 11, 1933, the following men were members of the organization." And here MacDonald's name is missing. It makes no difference how you view this document, how you view Thornton's depositions – whether you share the viewpoint of the representative of the State Prosecution that in this document the real truth was represented, that, if anything, Thornton was inclined to add names, as he, inadvertently perhaps, added Gregory's name, rather than drop some, or whether you will share Thornton's viewpoint (I do not know what his Counsel will say regarding this document) and you will say: Yes, there are lying statements in this document. In neither case will there be any grounds to suppose that Thornton forgot about MacDonald. He might have failed to mention Gregory or somebody else, but MacDonald was a sufficiently noticeable figure, he was all the time under Thornton's immediate supervision and influence and I do not think that he could simply forget him in this part of his list.

I think that on March 11, 1933, MacDonald no longer belonged to this organization, that they no longer relied upon him. Here we

have confirmation of what MacDonald said: "I did not occupy a big post in the firm. Apparently Thornton and Monkhouse did not think that I was capable."

I think, Citizen Judges, that there is of course no need for me and it would be merely wasting time to dwell on the separate episodes, on the separate facts of MacDonald's wrecking or spying activity. I will not speak of that. But I think that the light in which I have presented this activity, the way I understand it, should be taken into account by you. It seems to me that now, as I said, this man has begun to think, that he is at the cross-roads.

There is a document in the case, one that has not been made public, but which I am certain you will examine in your consulting room. It is on page 62 of MacDonald's dossier, where MacDonald says to the Prosecutor of the Republic: Yes, I realize now what I have done, I understand now that I committed a sin against the Soviet Government, that I committed a crime against the Soviet Government, and I give a solemn oath that I will not do it again.

I think that we should give credence to this oath, to this promise. That there is every ground for believing him. I think that you, Citizen Judges, in your sentence will help this man, who has stopped at the cross-roads, to take the honest road of toil and perhaps to become useful in the future to our socialist country.

The President: The Court will adjourn until 10 o'clock tomorrow morning.

(The Court adjourns until 10 a.m. April 17, 1933)

[Signed] V. V. ULRICH
President of the Special Session of the
Supreme Court of the U.S.S.R.
A. F. KOSTYUSHKO
Secretary

MORNING SESSION, APRIL .18, 1933, 10:30 a.m.

Commandant: Please rise. The Court is coming.

The President: Please be seated. The session is resumed. Comrade Braude, member of the Collegium of Defence.

Braude: Citizen Judges. In the course of the judicial investigation, the accused Thornton declared that he was not guilty of anything except collecting economic information, that he denies most of the depositions he made during the inquiries and the preliminary investigation, yet nearly all the accused engineers and Soviet technicians present speak and testify against Thornton. Testimony and evidence are given against Thornton by his subordinates at work, Kutuzova and Oleinik; the depositions and evidence of Thornton's fellow-countryman, his official collaborator and friend, MacDonald, are also against him; against Thornton we have his own personal testimony, written in his own hand and given at the preliminary examination and the enquiries. And I have to admit frankly, Citizen Judges, that from the viewpoint of formal judicial proof; we have against Thornton what is known as an almost complete chain of evidence, which places Thornton's defence in an extremely difficult position. Yet the accused Thornton insists on his categorical denials. From the first moment the judicial investigations commenced to the very last, the accused Thornton declared that he is not guilty; and this circumstance, regardless of the fact that he alone denies this against all the others, without putting at the disposal of the Defence any documents, or facts, beyond his bare denial, imposes upon his Counsel the duty, which is inevitable in the circumstances, namely, to approach the material in the case analytically and to endeavour to build up another version, other suppositions, another hypothesis, different from that which the Prosecution here asserts.

And so, entering upon this task, which is far from simple, I must note, Comrade Judges, one circumstance: that it is necessary to introduce certain corrections in the situation that has been created in connection with the testimonies of the accused themselves and the speeches of the Defence.

When one listens to the accused in this case, when one listens to all the engineers and technicians who have given testimony against Thornton, one involuntarily comes to the conclusion that all these people have no minds of their own, that all these people lack initiative, will power, that they are people who have nothing of their own,

who were held in leading strings by Thornton, who themselves, without Thornton, can do nothing, can not take a single step. Situations of this kind do not occur in actual life. And when one listens to the speeches of the Defence who, in this respect, I hope they will forgive me for saying so, allowed themselves to be led by their clients, a situation is created which, from the viewpoint of ordinary relations, is absolutely absurd; when one of the Counsel for the Defence tries to assert here, perhaps not without humour, but in a somewhat far-fetched manner, that Thornton had his own studio where the theory and practice of espionage were taught, and that Thornton was the director of that studio, I must say to my comrade that this is proof of his great love of theatrical imagery, but that such attempts to embody this imagery in the flesh are hardly plausible.

And when another comrade of the Defence, led three of his clients by the hand as if they were schoolgirls into Thornton's warm embrace, I must say that it was an extremely naive approach towards the clients.

And when a third Counsel tried to argue that Thornton was a seducer, an instigator, without whose influence no one would do anything criminal, I must say again that this was not a sound or normal approach to the case.

Comrade Judges, we in this country are living in an epoch of the sound materialist conception of human relationship. Idealist ravings about a powerful, all-absorbing personality who subjects all who surround him to his own will, who forces all around him to carry out his desires, do not suit us; the mystical images of demons, of evil geniuses who seduce and tempt others, that were depicted in the speeches of the Defence, do not suit us. From the viewpoint of our materialist conception of the world, we know only sound, normal, human mutual relationship and it is on this plane of mutual relationships that I will try to define my assumptions concerning the charges against Thornton.

Turning to the substance of the charges against Thornton, I would draw your attention, Comrade Judges, to the fact that the principal, the most serious and most terrible charge against Thornton is that of wrecking, of organizing acts of diversion, breakdowns; and this charge, which he denies, is indeed a dreadful accusation.

Is it not a dreadful thing when a person is told: you are one of those who concluded with us, with our country, an agreement to

help restore our industry, an agreement to render technical assistance; and instead of that, while pretending that you were carrying out this agreement, you destroy our economy, destroy our industry by creating diversions, breakdowns; with one hand you pretend you are building, and with the other hand you are destroying what you are building and are undermining the heroic efforts of the toilers of our country.

I can understand Thornton repudiating these accusations with horror, Thornton instinctively realizing that this is the most dreadful, the most serious of all the charges levelled against him.

But, Comrade Judges, I must say that even in this connection evidence is given against him by all the Soviet engineers and technicians present here in the dock, by his comrade MacDonald, by Kutuzova, by Oleinik, by almost all those in the dock. Yet there is one thing I must emphasize here, and that is that he himself has not testified against himself anywhere. Notwithstanding his numerous testimonies scattered throughout this voluminous file, no matter what state he was in when he made these statements – he says, he was in a state of fatigue but let that lay on his conscience – never, not once, not in a single one of his testimonies, not in a single declaration has he ever admitted that he is guilty of wrecking and acts of diversion. Such an admission you will not find anywhere.

And when, in spite of the fact that he stands alone against all the rest, by bare denials and without giving the Defence any documents or facts which could refute the declarations of the other accused, he continues to assert that he is not guilty, I am compelled to make some analytical attempt of a hypothetical nature in regard to the other accused, namely: perhaps the position is different; perhaps the other accused are trying to throw the whole blame upon him? In this connection I must say a few words.

For us old hands in the sphere of the law, who have had a quarter of a century's experience of court battles, there is one rule that we regard as a fixed rule, and that is, that as a general rule an accused man in Court always deviates from the truth; whether he deliberately tells lies and denies his guilt, or whether he partly admits guilt, or whether he wants to speak the truth or not, he involuntarily always throws in a certain amount of untruth with the truth, which, in the language of legal psychology, is called a reflex protective movement – trying to pretend he is better than he actually is, trying to lessen his guilt. Hence, the practice in our Courts, the practice of

our supreme judicial institutions and of our legislative institutions is to approach the testimonies of the accused and so-called denunciations with extreme caution, independently of whether they are false or true. Our supreme judicial institutions give our Courts direct and precise instructions in this matter and they faithfully carry them out. This instruction tells us to be cautious in our attitude to the denunciations of the accomplices of the accused in the Court, having in view that the testimony of the accomplices alone is weak proof; and yesterday our esteemed opponent, Comrade Vyshinsky, who in our country exercises supreme judicial control and supervision over all Court decisions, revealed this viewpoint of our supreme judicial institutions in an extremely definite, precise, and categorical manner. He said: A denunciation is proof only when it is corroborated by other objective data in the case. My esteemed opponent said this in his speech yesterday, and Comrade Vyshinsky remained true to himself to the end in this viewpoint when he withdrew the charge against Gregory because, although Thornton in some testimony or other had denounced Gregory, the Prosecution find that this point in Thornton's testimonies is not corroborated by objective data and for this reason he withdrew the charge against Gregory. The postulate that Comrade Vyshinsky has laid down gives me the right to put the testimonies of the other accused to the test from the viewpoint of available proof.

Comrade Judges, I must say quite frankly that the situation in this case is somewhat different. Here we have not one denunciation, not one testimony, of one of the accused in the case, but we have numerous, collective and even joint testimony from the point of view of the question as to who is giving testimony; for we have testimonies of different categories – from friends and acquaintances, from people who are intimate and from strangers. Outwardly this makes a convincing impression, for here, quantity develops into quality. Nevertheless, Comrade Judges, I must raise the point that even in this context, even in this circumstance, even in this combination of evidence, such a combination of testimony by accomplices may be strong legal proof only if it is impossible to presuppose the presence of a common motive for giving such testimony, of a common psychological reason which, without a preliminary agreement on their part, would dictate their line of behaviour. I have reason for supposing the presence of this motive with more or less conviction. This motive was revealed to me primarily in the speeches of the

Defence, in the testimonies of the accused, who, together with the Defence, or rather the Defence with them, tried to prove that they were blind tools, helpless tools in the hands of Thornton. This motive was revealed to me also in the speech of my esteemed opponent, Comrade Vyshinsky, when he uttered the extremely figurative remark that the accused cannot save themselves by hiding behind Thornton's back. I agree that they are trying to do this. But if they are trying to hide behind Thornton's back, then where is the limit to this? And, if they are trying to hide behind Thornton's back, then, perhaps, they are trying to hide not only part of their guilt, but to throw all the blame and all their crimes upon Thornton? I realize that this theory is hypothetical, but I have the right to raise it and the question that inevitably arises on the basis of this formulation is: might they not have committed these crimes, which Thornton denies, without Thornton? Might they not have done it themselves, without his leadership?

Allow me in this connection to say one or two things: In his speech Comrade Vyshinsky explained in a very interesting manner what wrecking is in our country. I would like to be permitted in a few words to touch on this point once more. Wrecking, indeed, is not a new thing for us. From the moment the bourgeois intelligentsia turned away from counter-revolutionary sabotage and found themselves compelled to take up work with the Soviet Government, a section of the bourgeois intelligentsia began to resort to wrecking and, throughout the history of the existence of the Soviet Government, wrecking, as a form of class struggle, has assumed the most varied forms which, finally, merged into one united wrecking organization, with its leading centre in the U.S.S.R. – remember the *bloc* between the “Promparty,” the Toiling Peasant's Party, the Mensheviks and the united emigrant centre abroad, known as the “Torgprom,” led and subsidized by the most aggressive imperialist circles.

The wrecking organization was smashed by the O.G.P.U. and by our judicial institutions, but remnants of it have without doubt managed to survive in different parts of our Union, in different branches of our national economy. And it is no accident that certain of the accused here were compelled in reply to questions by the Court to admit that they had had some connection with these remnants. It is no accident that certain of the accused were compelled to confess that even before meeting Thornton they had wrecking incli-

nations, wrecking convictions, the wrecker's psychology. And this is quite comprehensible because the social roots of some of the accused, the bourgeois survivals of others stimulated by the fierce class struggle that is still going on in our Soviet Union, serve them as sufficient stimulus to continue their wrecking and diversional activities against the only workers' state in the world, against their own fatherland.

I will take certain of the accused in this case at random and you will see that my ideas in this respect will be confirmed by the simplest psychological and political analysis.

Gushev, ex-whiteguardist, who fought in the ranks of the White armies against the Red Army, who took part in shedding the blood of the best sons of the toilers. Gushev, as Comrade the Public Prosecutor expressed it, is a hardened counter-revolutionary.

Sokolov, also an ardent whiteguardist who, according to his own confession, had committed acts of wrecking previously.

Zorin, a counter-revolutionary, convinced counter-revolutionary, who here in the Court had to go so far as to say that he even converted his own personal grudges into grudges against society, into resentment against the Soviet Government. Zorin, who represents a hardened type, soaked in old bourgeois prejudices, who has learned nothing during the whole of the creative work of the Soviet Government, a hardened type of a full fledged reactionary pseudo-scientist, tries to convince us that, in order to take up wrecking work, he had to have five conversations, each of a few minutes' duration, with Thornton, and that this fiery Demosthenes – Thornton – was able to convince him and win him over to wrecking acts, and that without Thornton he would not have been able to do it.

And finally, let us take Sukhoruchkin, who in reply to my questions admitted that his counter-revolutionary convictions fully coincided with the committing of wrecking acts, that they were the result of the very essence of his own convictions, of the very essence of his psychology.

Was an urge, a stimulus in the form of Thornton, necessary in these circumstances, when the impulse – the class struggle in our country, when the impulse – bitter hatred toward the Soviet Union and the toilers of our country, already existed?

Involuntarily I have to ask: Can we consider that they needed Thornton? It seems to me (theoretically of course, but it is con-

firmed also by my psychological considerations) that they could have committed these crimes, without any instigation from outside.

I will ask another question: Has it been proved, in general, that wrecking did take place? Yes, Comrade Judges, I must say frankly that the file of the Commission of Experts to which Comrade the Public Prosecutor refers, convinces me too. So far there has been no objection to it. The honourable names of the members of the Commission of Experts can call forth no doubts as to the correctness of the Commission of Experts' conclusions. So far the accused have been unable to present any documents which might convince us of the incorrectness of the conclusions of the Commission of Experts. Lastly, I have before me persons who of course did not try to slander themselves when they said that they had committed wrecking acts. Of course, I have not the slightest ground for having any doubt that these wrecking acts took place.

But I repeat that it is an extremely great temptation for those who have been proven guilty of committing these wrecking acts, for those who have committed wrecking acts, to try to hide behind the back of the person who represents in this case the most central figure, the person who was the strongest and the most capable of leading, and who was supplied with the funds assigned for the purpose of seducing, for the purpose of using these allegedly timid, miserable and indecisive creatures.

But there remains the testimony of MacDonald, which is also against Thornton. I may be asked: Well, what about MacDonald? What sense was there in his testifying against his comrade, against his friend? I would have to answer this also in the form of the hypotheses which arise from the inter-relation of circumstances, and say that MacDonald is also one of the accused and that all the features, all the strivings, all the reflex protective movements, which are peculiar to the other accused, are peculiar to him also.

And finally, I have to recall to your mind the words that were uttered here by Thornton. Here he is right, logically speaking. MacDonald committed a certain form of crime, he confessed it. Excellent! Then let him answer for it, in so far as he committed it on his own responsibility and has not proved that he did it on the instructions of Thornton.

And, finally, Kutuzova's testimony. A member of the staff. A friend, as was said here at the trial; a great friend, as she emphasized. Where is the solution to the riddle of her testimony? I shall

not try to solve riddles, because in reply to Comrade Vyshinsky's question concerning her personal relations with the accused, she herself gave no reply, and I do not consider I have the right to probe into these personal relations, into the subtle shades of feminine character, which might throw light on the nature of these relations. But I will refer to something else. I will refer to her testimony as such. I would like to submit to you the question which you will decide upon in your consulting room. Is her testimony plausible, real? Is it possible, from the viewpoint of the realities of life, that experienced people – Englishmen – calm, cold, serious and sane, would discuss the most dangerous acts, acts of diversion, would draw up the most dangerous plans about breakdowns and wrecking, in the presence of a member of the staff, no matter how friendly her relations with them may have been, if they did not need her in the work, if they had no need to turn to her during the course of the work, and if she were helping them only in their work of gathering information, in the sense of economic espionage; is it likely that they would inform her about this work?

Finally, I would like once more to draw your attention to the last point in this sphere of evidence: to the testimony of Thornton himself. Nowhere, not in one of his depositions, does Thornton confess that he is guilty of wrecking, confess that he is guilty of acts of diversion, confess that he is guilty of doing undermining work. And if the Prosecutor in his extremely interesting speech also dwelt at length upon Thornton's testimony, and if one considers that during the inquiries and the investigation he was speaking the truth in the majority of cases, then it should be logically possible to continue this thought to the end: if he was speaking the truth in the main, in the majority of cases, then he is speaking the truth also when he denies that he is guilty of wrecking.

I turn to the second charge against Thornton, which he denies, a serious charge, the charge of military espionage and espionage in general. And here, Comrade Judges, I must differ from my client. I consider that according to the law of our land I am obliged to do that. We cannot avoid taking into consideration facts which take place in the Court. And if Thornton, in reply to several questions put to him by the Prosecutor and others, had to confess that he collected economic information, then from the point of view of our law, he is guilty, of course, of economic spying. But he denies military spying, and on this point permit me to express some views

which, I think, will, to a certain degree, confirm this denial.

First of all, in order to answer the question as to whether Thornton was engaged in military spying or not, I would draw your attention to his testimony which lies in the files. He has there several depositions and in comparing these depositions (I shall not quote them, in order not to burden your attention) only one thing becomes obvious, and that is that his conception of spying is extremely confused, that his conception of espionage information is extremely indefinite and diffused. In one place he speaks about offence and defence possibilities, and in another place about the collection of political information, but gives as examples only economic information, in a third place he speaks about economic information, but gives examples of political information. It is clear that a man, the product of another environment, of another State system, alien to us, alien to the conditions prevailing in our country, cannot quite understand or appreciate what espionage information is.

But, Comrade Judges, if I were asked whether he obtained military information, whether he obtained information which is a State secret, according to the law, then I would have to say: Yes, he undoubtedly did obtain it independently of his subjective intentions, independently of his subjective wishes, and now I will explain why. Owing to the fact that he had already started on the path of illegally collecting economic information, forbidden in our country, and in view of the psychological peculiarities which I have mentioned, he could not determine the boundary between the permissible and the forbidden, between economics and politics, between politics and military secrets. Especially when it was a question of enterprises connected with the production of munitions, it is quite possible that he also accepted military information, although subjectively his desires and intentions were not directed towards military information.

The second factor which convinces me that he obtained military information independently of his subjective desires is the sight of those people who had fallen so low as to betray the interests of their country and, for the sake of a few miserable pence, gave foreigners information, which they accepted for the benefit of a commercial firm, or perhaps to be used in some other manner. People who start on such a business do not care a scrap what kind of information they give, they would sell anything they could get hold of, military and non-military – and bring it to the person who is paying them, even if the latter did not ask for it.

This is why I think it quite possible; but ought he to answer here for subjective intention – this is a question that you must discuss when you retire to consider your verdict. But in discussing the question of economic espionage, which I admit from the viewpoint of the formal qualification contained in Part II of Article 58-6 of the Criminal Code, in discussing the question of the measure of social defence, you will inevitably have to consider another question, as to whom it is you are dealing with, as to the peculiarities of the psychology of the accused Thornton, which definitely requires that you adopt a different attitude towards him than towards our State employees.

Indeed, Comrade Vyshinsky, the Public Prosecutor, informed us yesterday of some extremely interesting points in English law on espionage, but these points refer to “prohibited” places. They refer to State secrets, and what we in our country, in the land of planned economy, in the country of State trade, call economic espionage is, in the capitalist world, with its anarchy of production, its dominating private trade and dominating private property, the ordinary, everyday perfectly usual phenomenon of the competitive struggle within capitalist economy. There, every firm, every commercial enterprise tries to discover the secrets of the other firm, of its customers, of its partners, of its competitors, and of its rivals, and it is a great pity that the accused brought into our land of planned economy the methods of the capitalist world and without the slightest doubt studied our industry not only as its customer, but also as its indisputable rival on the world market in the near future.

And so, from this point of view, from the viewpoint of the difference in psychology, from the viewpoint of the difference in State systems which foster this psychology, you must take into consideration the points which I have just had the honour to raise, when deciding the measure of social defence to be applied to him.

The question of bribes remains. The Public Prosecutor also read out to us here the laws governing bribery in England. They are interesting laws, but they refer to State officials and we, again, are concerned with representatives of capitalist firms and I must say quite frankly that in capitalist society the employer shuts his eyes to the fact that his employee takes money from a customer, from a partner, and so on. The whole trouble is that the accused transferred these methods of capitalist economy to our country, where there is State, planned economy. They look upon their customer, our State,

as upon a private owner; here lies their great mistake and misfortune, but psychologically this can well explain their light-minded approach to our State employees.

In that country it is regarded as legitimate, here it is regarded as a serious crime. And it is from the point of view of this difference in mentality, the difference in the State systems, that you will consider this point.

In dealing with various points I must touch upon the question of the bribe. I am inclined to interpret the question of Dolgov rather differently from the way the accused interprets it. No matter whether he gave Dolgov money to be returned or not, the mere fact that he gave a State employee money is a crime. But taking into consideration the psychological position preceding the giving of this money, you will have to admit that he may have been mistaken in this. But did he give a bribe or did he pay money for wrecking activities? Here I must revert to the views that have been expressed here. I do not agree with the statement made by the accused Thornton because I think that the collection of information ought to be paid for; no one will collect economic and political information for nothing. But caught at economic espionage and wrecking, could they not, I put this question to the Court, try to mitigate their guilt by arguing that the money they got for information was given to them as a bribe to commit acts of wrecking ?

I would ask you, Comrade Judges, to take all these points into consideration when you consider the question of Thornton.

The President: Comrade Dolmatovsky, member of the Moscow Collegium of Defence.

Dolmatovsky: Comrade Judges, I am defending Gregory and Nordwall. I will not have to speak much about Gregory inasmuch as the evidence presented at the trial proved insufficient, according to the opinion of the Prosecutor, for him to be convicted.

I believe there is no need for me to speak on the subject. I have only one request. I want to ask, whether it will be necessary in order to avoid any misunderstanding later, to translate for Gregory the few words which will be spoken here. I have discussed this matter with Gregory. He knows what was said here yesterday about him and what I will say, and he is quite satisfied that he does not need any translation, but I will ask that the interpreter inform him of my statement.

The President: Very well. Accused Gregory, do you desire that

the speech of the Counsel for the Defence in the part dealing with you, should be translated to you sentence by sentence, or will you be satisfied with a subsequent translation from the stenographic records?

Gregory: Yes, it will be satisfactory to read the translation afterwards from the stenographic records.

Dolmatovsky: My task is much more complex with regard to the accused Nordwall. Evidence against Nordwall was given here by a number of persons. Particularly, there is the very important testimony of the accused Lobanov, Oleinik and Thornton, and the circumstances in connection with which the testimony was given.

I will have to analyse these depositions one by one. But before passing to a detailed analysis of the evidence which has been presented here with regard to Nordwall, I must recall what the representative of the Prosecution said here regarding the accused, Lobanov and Oleinik. He used against them sharper expressions than against any of the other accused.

He said of Lobanov that he was a morally depraved type. Lobanov's Counsel wrongly interpreted the words of the representative of the Prosecution to mean that Lobanov was a politically unstable man. There is a great difference between political instability and moral depravity. He spoke of them precisely in this fashion both in the general part of his speech and when he analysed specifically the charges against each one of the accused individually, because he was generally in doubt whether it was possible to believe anything they said. In the general part of his speech he characterized them as wreckers by nature. In characterizing them in this fashion, he said that they would continue the wrecking under all conditions, that is, he considered that they would continue their wrecking, their mischief, even here at the trial, since they were wreckers by nature. In this connection I believe that it is impossible not to dwell on the following points. If we were to assume for a moment that Nordwall is innocent, that he did not participate in the organization which aimed at such grave crimes, if we assume and recall that he was also a foreign specialist who showed himself in a particularly favourable light in the Soviet Union, then the wrecking work these people carried on, their mischief with regard to Nordwall can be understood. If he is really such a person as he appears in the evidence which I presented at the trial; if the attitude shown towards him at Makeyevka is correct, the attitude which was manifested when he was elected to

the Presidium at the celebration meeting, when he was introduced to the People's Commissar of Heavy Industry, when he delivered a speech as a member of the Presidium, when he received a premium of 1,000 rubles, when he was written up not only by the local newspapers, but by the newspapers of the capital as well – I presented here a copy of the issue of *Za Industrializatsiu* which described his work and which stated that it was a model of shock work – I repeat, if on the one hand we assume for the moment, temporarily, that he is not guilty, and if on the other hand we remember that the persons who testified against him are of such a kind that they persist even now in their mischief making, we could then understand why they act in this fashion towards Nordwall and why they testified against him. Oleinik sufficiently exposed himself here, and it is characteristic that the Public Prosecutor did not even deem it necessary to place this light weight figure in the scales against the other accused when he weighed the evidence against Nordwall. He did not even think of Oleinik. But I believe that, although it is not worth while recalling Oleinik as one who testified against Nordwall, something of his testimony should be taken into account in favour of Nordwall.

Oleinik characterized Nordwall as a person who was almost a Bolshevik, who might go to the Worker's and Peasant's Inspection and complain, as one who sympathized with the Soviet Government, as a man whom he, Oleinik, regarded with antipathy. He was forced to state why he regarded him with antipathy – because in Makeyevka where his last activities were carried on, Nordwall was very much respected, was very much appreciated for the good work he carried on there. All these points tell in favour of Nordwall and by no means against him. Oleinik was warned by others that because of this, Nordwall was a dangerous man as far as Oleinik was concerned. If he was dangerous to Oleinik, we must, precisely because of this, state that he could not be considered as dangerous.

Oleinik is an insignificant person. Lobanov is much more complex, but this does not mean that Lobanov's testimony at the trial is trustworthy. We must take from his testimony only those parts which harmonize to a certain extent with facts. At any rate it will be necessary to speak in greater detail about Lobanov. I will state why. It seems to me that with regard to Nordwall, Lobanov cannot be believed.

Before passing to details I will deal with the question which took up some part of the speech of the Prosecutor when he accused

Nordwall. I have in mind the fur coat which Nordwall gave to Lobanov. In this connection the Prosecutor stated that Nordwall contradicted himself, that he made four wrong statements which exposed him. What are these statements?

The first incorrect statement. He stated that he received 400 rubles from Lobanov for this coat, and not 500 rubles as he later admitted. I nevertheless fail to understand why it is such an important piece of evidence against Nordwall, that he once mentioned 400 rubles and later testified to receiving 500 rubles, and why it is possible to conclude from this that he had testified falsely. In the first place, he stated in his testimony: "I think 400 rubles." The incident occurred, over a year ago, and later when he began to recall, to check up, he stated that he received 500 rubles. Had he desired to testify falsely, it would have been simpler to name one sum and to stick to it. But if a man begins to dig into his memory and to contradict himself, the contradiction can be explained by the fact that a certain time has elapsed and that he does not remember the facts, and not in the least because he is trying to conceal something. For this reason I fail to see why he had to state 400 rubles instead of 500 rubles, why he qualified it with "I think," and why this constitutes evidence against him.

Another piece of evidence against Nordwall is that he testified that he did not count the money which he received from Lobanov. In the record there is no evidence of such a statement. Evidently this was not considered of importance, evidently it was considered that the statement was of such a nature that it could not serve as evidence against him. If he would have to deal with Lobanov now, after what has been revealed here at the trial, he would of course have no confidence in him, but at that time, possibly, he did not deem it necessary to count the money because he trusted Lobanov and he therefore simply put the money into his pocket, possibly counting it later when he got home. I do not see in this any serious material which could serve as evidence against Nordwall.

More complex is the question as to how this money was transmitted. Here again Nordwall said that he does not remember how the transaction occurred. Let us see whether this exposes him. He stated at first that he was in need of money and that therefore Taylor was to get the money from his current account – at first he said that Taylor was to get this money in the office of the Metro-Vickers Company, but later when it was verified that there was no record of

this in the books, he recalled that apparently this money was transferred through a London bank. This appears in his testimony of March 28 when he stated that he had savings in a British bank amounting to about 300 pounds. Later he recalled that the money was transferred through the bank. On page 253 of the dossier there is a telegram from the bank received by the Court through the Commissariat of Foreign Affairs. Again I cannot understand why this constitutes evidence which could arouse suspicion. If we think the matter over, we can come to a quite different conclusion, that there is nothing in this that could serve as evidence against Nordwall, that it is only forgetfulness. I will say again that if he had simply wanted to testify falsely, then why did he have to contradict himself? He could have simply said that he received 500 rubles and that he gave them to Taylor. Taylor is not here, and this would have settled the matter. And yet he relates everything in detail, how it took place, and it does not at all contradict what he said before, in particular the fact that he has savings of about 300 pounds in a British bank. And we get the telegram which corroborates that the corresponding sum at the corresponding time was paid by his mother in London to Taylor, a sum of 51 pounds which approximately corresponds to 500 rubles. I believe therefore that in this also there is nothing which could be characterized as evidence against Nordwall.

But the Public Prosecutor has pointed out here another circumstance precisely in connection with the incident of the winter coat. The Prosecutor said: Why was Nordwall needed there as an interpreter when the interpreter, Voronin, was on the spot – what need was there of Nordwall? First, we do not know whether there was an interpreter at that moment in the evening when the conversation had to take place with Lobanov. And secondly, even if an interpreter was available at the time, why should we be surprised that Taylor asked his compatriot to speak to Lobanov about the transfer of the fur coat, the more so since Nordwall asked Taylor to leave the money with him here and that Taylor would get this money in the office in London. I believe that in this also there is absolutely nothing that implicates Nordwall.

Of course, he himself has piled up a good many misunderstandings. All of this had to be checked up. But if all of this is carefully weighed it cannot be considered as evidence against Nordwall.

There remains the big and serious question; what was the testimony of Lobanov, the principal accused who implicated Nordwall,

and can we trust everything that Lobanov has testified?

Lobanov stated that he frequently met Nordwall. I believe that after the Court proceedings, it should appear that it was rather Nordwall who told the truth when he stated that they did not meet frequently. Lobanov said that he met Nordwall several times during the course of a month in the power station or on the train. Several times a month would mean three or four times, and this was not denied by Lobanov. And yet it was shown that they both worked at the power station, not six months as Lobanov had at first asserted, but only two months. Indeed, Nordwall was at the Ivanovo Electric Power Station only during the first two months of his work in the Union, September and October. It was approximately from the end of September to the middle of November, thus, only two months. They could therefore have met there six times, perhaps eight times, if we believe Lobanov, but not as many times as he said here.

Finally, it surely must be taken into account that these were the first months of Nordwall's work in the Union. Can it be assumed that he could at this time speak Russian so well that he could converse at length with Lobanov and come to an agreement with him, if, of course, there was no other connection between them such as parties, and so forth? But we have learned that Nordwall did not attend these parties. Hence, in this also, he should be believed. Hence, in this also, it is necessary to place under suspicion the testimony of Lobanov, who stated that they had such long detailed conversations that they could come to an agreement to commit grave crimes.

Moreover, he states that in February, namely, when Nordwall had been here four or four and a half months, he used such an expression as "let's stop talking, it's time to get down to work." Again, if this were Lobanov's formulation of Nordwall's thought, well, it could perhaps be considered. But Lobanov has categorically said during the trial: "This is exactly what Nordwall said." I believe that this characteristic, although a small detail, also shows that Lobanov's evidence is absolutely untrustworthy.

Finally, take their conversations. The Public Prosecutor and Lobanov's Counsel allege that in these conversations, Nordwall expressed anti-Soviet opinions. Nordwall did not corroborate this. On the contrary, he denied it, stating that he had expressed opinions of a contrary character. And it is interesting that Lobanov was also forced to admit at the trial (to be sure he said this in a very disparag-

ing way): “Yes, he did say something to the effect that one should carry out one’s duty as an employee.” In this connection, he spoke, to be sure, very guardedly and evasively, of some objections on the part of Nordwall in this conversation. Hence, again we must rather believe Nordwall, who stated that he had not expressed anti-Soviet opinions, that he had objected to the anti-Soviet arguments of Lobanov. The Public Prosecutor pointed out that if Nordwall was almost a bolshevik, then why had he regarded so lightly these anti-Soviet opinions, why had he not drawn the conclusion which even a near bolshevik should have drawn. But it must be taken into account that their meetings at Ivanovo took place during the first months of Nordwall’s work, and then it would also be necessary to know precisely in what form and how sharply Lobanov expressed his anti-Soviet opinions. If they were only expressed in such a form that he was discontented with the attitude towards the engineering and technical personnel, that his living conditions were difficult, and so forth, then, of course, there was no reason to take any action and to report this conversation. They were ordinary conversations which people frequently engage in, and which do not involve such a situation that they should be reported. Consequently, this point also is not correct, not such, that it should be placed in the scales as evidence against Nordwall.

If we take other objective facts, we find again that Lobanov always and everywhere testifies falsely. His Counsel said that on March 24, Lobanov stated that he made an honest confession and that he revealed everything. It is sufficient to examine the records of Lobanov’s testimony to become convinced that in not one of his depositions did he testify sincerely, that he continually gave false testimony.

Let us take his and Lebedev’s testimony. Comrade Vyshinsky, it seems to me, characterizing Lobanov and Lebedev, quite correctly, stated that Lebedev was a much more positive type morally than Lobanov. But up to this moment there are contradictions in the testimony of these two accused and precisely in the question that is very characteristic in general, and for Lebedev in particular, namely, as to how the money was to be distributed. Lobanov testified that he gave money on two occasions, 500 rubles on each occasion, and at the trial he stated that he gave 1,000 rubles – “to impress him.” Lebedev, whom one must rather believe, claims that he received 250 rubles of which 30 rubles was taken back as a loan and was not

repaid. Who is more trustworthy in this case, Lobanov or Lebedev? Of course, Lebedev. I therefore consider that in the rest of his testimony also we cannot rely on Lobanov, even when he states that he received money, because what interest could he have in saying that this particular person remitted money and not some other person. This is a question which cannot be solved, since Lobanov is capable of anything. Quite correctly, the Public Prosecutor pointed out that Lobanov was a morally corrupt man and that he is completely untrustworthy.

Of course, least of all could it be said that Lobanov had to be corrupted. It would indeed be ridiculous to say so. Take Ugrumov's testimony: how does he look upon Lobanov? He has always been a disorganizer of production. Indeed his whole personality shows that he needed no impetus from the outside, that he himself was capable of anything, and yet the situation is presented as if Nordwall tempted him and that without Nordwall possibly he would not have taken this terrible path. On the contrary, when his own Counsel asked him at the trial whether he had had a conversation with Nordwall about ceasing his criminal activity, Lobanov contemptuously and scornfully said with regard to Nordwall – I would not have thought of consulting him on this and would have got along without him if need be. But why could he have got along without Nordwall to discontinue the criminal activities, but needed Nordwall's urging to start the criminal activities? These considerations too can scarcely bear witness against Nordwall. On the contrary, it must be taken into account that it was not Nordwall who could be the initiator of this business.

Then there is another characteristic feature. Lobanov said in the beginning at the confrontation with Lebedev and in his testimony that he did not attend the parties which Elliott arranged in Ivanovo. At the same time it is characteristic that Nordwall did not take part in these parties. The question is, why? If they are one crowd, if they continually meet each other in any case,, why should Elliott attend and why not Nordwall? Rather it should be explained by the fact that in reality the people who attended these parties were alien to Nordwall. It is more likely that he was interested in something else – in his work, in his family life. As is known, he married a Soviet citizen, an employee of the State Publishing House, and he was apparently more taken up with these interests than with social evenings and carouses with Lebedev and Lobanov. Why shouldn't he

in general meet Lobanov? There was no reason to think that he could not meet him outside of work. Therefore I think that everything that Lobanov said here about Nordwall is more questionable than those things which Nordwall stated here, and I think that it is rather Lobanov who does not tell the truth than Nordwall.

There remains another serious piece of evidence against Nordwall – this is, in the first place, Thornton's list and his depositions concerning Nordwall, particularly in the matter of the 112 rubles, and in general all his depositions about Nordwall. But again, if we take up these depositions in detail we will arrive at the conclusion that there is nothing that can incriminate Nordwall. In the first place, this matter of the 112 rubles was cleared up here during the Court investigation and it was shown that in Makeyevka, where Nordwall directed the installation of the first Soviet blooming mill, he had to incur expenses. Thornton spoke of 112 rubles and Nordwall speaks of 120 rubles. But in the meantime Oleinik, apparently, also mentioned this money when he said that Nordwall allegedly bribed the workers. It is true that neither the Special Session nor the Prosecution even attempted to take up these words of Oleinik's since they saw that there was apparently no reason to trust him in general. But it is evident that this "bribing" of the workers refers to the payment for certain expenses which the firm had to make and of which Thornton speaks in his deposition of March 12, 1933, when he says that this money was entered in the books to Nordwall's credit, that is, that Nordwall presented a bill and was paid for it.

Now what does Thornton have to say essentially about the spying activity of Nordwall? He said this: "Nordwall, Ivanovo and the Tomsk Works." Nordwall's main activity was confined on the one hand to Ivanovo, but not at the Ivanovo Power Station but at the Shuya Station and at the first sub-station where also the certificate was given, which I have submitted here and which was made out by one of his fellow workers – a responsible person, and then most of his activity was also in Makeyevka. Besides this there were short periods – vacation, Minsk, Kuznetskstroy, Balakhno, and so on, but the main work was at Ivanovo and at Makeyevka. Now Thornton says, "Ivanovo and the Tomsk Works." "This man was in Ivanovo for the installation of the sub-station switch and then he directed the installation at the Tomsk Works. Nordwall learned to speak Russian very quickly while he lived in Ivanovo. He was a new person to me and I think that while he was in Ivanovo he gave me no infor-

mation.” He talks about information in Makeyevka, but regarding Ivanovo he says that he thinks he gave no information whatever while he was there.

Of course, the supposition may be made that Thornton says this because it is necessary for him to conceal his criminal work in Ivanovo. But it does not appear from anything, that Thornton had to conceal something in this case. So he says that he was a new man to him.

And further: “When I visited him at the Tomsk Works at the beginning of this year he gave me the following spying information. He confirmed by finding out from someone, I don’t know whom, that Metro-Vickers would of course receive an order for the transmission for the planing mill and other equipment. He also gave me general (espionage) information about the living conditions of the workers and so on at Makeyevka.”

And further: “We had some difficulty with the induction motors. He fixed this and sent a bill for 112 rubles, which sum I entered in the books to his account.”

What was Thornton’s further statement about Nordwall?

“In my opinion Nordwall was and is sympathetic towards the Government of this country. He once told me his opinion about the Red Army. I do not remember what it was exactly, but his opinion coincides with mine.”

If Nordwall is sympathetic towards the Soviet Government, what he said about the Red Army could only have been something flattering; but what was added by Thornton is irrelevant to the case.

Then further: “Nordwall was for a short time in Kuznetsk with MacDonald. Nordwall considers the Soviet Government stable.”

That is what Thornton said about Nordwall. I think that this evidence must be to Nordwall’s advantage, and not the reverse.

It is also characteristic that Oleinik, warned by Thornton, says that it was necessary to beware of Nordwall, who was alien to them and almost a bolshevik. This, of course, should be turned to Nordwall’s advantage and we must consider that this characterizes him not as a wrecker, but rather as a man who is to be trusted.

Then it is interesting to note that a number of people who gave evidence about other persons to the effect that they took part in acts of wrecking and diversion, for example, MacDonald and Ugrumov, who gave evidence about the group in Ivanovo, never mentioned Nordwall; even Lebedev, when enumerating the members of the

group at Ivanovo, sometimes omits Nordwall; he names himself, Lobanov and Elliott but he doesn't name Nordwall, and even when speaking of Nordwall he says only what he heard from Lobanov.

In conclusion, it is characteristic that Lebedev in his evidence says that Nordwall ignored him and speaks of this with resentment. The question suggests itself, if they were accomplices in one group, if they worked in one place – at any rate they worked two months together at the Ivanovo Power Station – why then did Nordwall fail to notice Lebedev? Lebedev, who can be trusted to a greater extent, says that Nordwall had nothing to do with him. More than that, if Nordwall had taken part in the group, he would have come into contact with Lebedev because there would have been no reason or motive for ignoring him.

Thus I think that all the charges which were made here against Nordwall, charges which are of course serious and are based on certain data, must, nevertheless, after the tests to which they were subjected in the Court investigation, be rejected, and I think that if Oleinik considers him to be a dangerous man, we for our part need not consider him dangerous. If Lobanov treats him with contempt, considering that Nordwall is inferior to him, I think he should be placed on a different plane from Lobanov.

I ask the Court to acquit Nordwall.

The President: Comrade Lidov, member of the Moscow Collegium of Defence.

Lidov: The defence of Cushny is a dispute about evidence and a serious dispute about the force and significance of the proof submitted by the Public Prosecutor.

At a trial like the present one, this is a difficult and responsible question. The difficulty of the defence is that the indictment in regard to Cushny is straight and simple. I would say – unusually simple; it is based on three brief statements of the Public Prosecutor. Cushny is mentioned in Thornton's list – consequently he is a spy. Yemelyanov, according to the evidence in one of the volumes of the present case, testified that Cushny, during his stay in Baku, said that it was necessary to damage machinery – consequently he was engaged in acts of diversion. There were conversations at the parties arranged at Medvedev's and at other people's houses – therefore, he was collecting espionage information. Now try and upset these charges. The responsibility falls upon the defence since Cushny himself emphatically denied and continues to deny his guilt. This

imposes upon you, as judges, as well as upon myself, as Counsel for the Defence, the duty of verifying the main propositions which the Public Prosecutor submitted for your decision in such a categorical and simple form. We can only verify them by means of a serious analysis, after a serious evaluation of the essence of the proofs.

The main charge against Cushny is the commission of an act of diversion in Baku in 1928. I shall not speak about the fact that this happened in the remote past, five years ago, and we are to examine this event now in 1933. What do we know about this event? If we turn to the source, to the evidence given here in Court by Oleinik who is not well disposed towards Cushny, who has no desire to do anything favourable to Cushny, we see that he told us the following: "The case happened in this way. The stokers changed shifts; instead of experienced stokers in one of the shifts there were inexperienced stokers who joined the shift on their own without the knowledge of the manager. The stokers had no relation whatever to Cushny, they were not in his charge and he was not giving them any orders. The stokers pumped the water, but more than was necessary; the water got into the turbine and caused a stoppage."

This is Oleinik's evidence. This scanty material does not justify us in saying definitely and exactly what happened in Baku in 1928. We have before us neither the report of the investigation of this case, an investigation which undoubtedly took place, nor the Court proceedings which, as Cushny affirms, were instituted against the stokers obviously for negligence, and perhaps against persons who were negligent about this shift. We may or may not believe any particular assertion, but you are unable to do the chief and central thing required of you, as judges, and that is, to verify this proposition, this fact, to estimate and weigh the evidence in the light of all the information that we have at our disposal.

How does my worthy opponent support his conclusions as to Cushny's guilt during his work in Baku? He referred here to Yemelyanov's evidence. We have Yemelyanov's evidence. When examined now in 1933, on being summoned from Baku, he says: "Cushny told me generally, that it was necessary to damage machinery." Two brief lines. When, under what conditions, why – what relation did the fitter Yemelyanov have to these complex installations, did he have any admittance to them, was he asked personally or through somebody else – there is not a word about that in these two lines. The evidence is given in 1933. In the cases of all the other accused,

we usually had some confirmation, not only indirect but direct, of the charge of some wrecking activity. We have not a single instance of a case of wrecking that was not prompted by mercenary motives; no wrecking was committed because the man himself wanted to do so. There was always money paid and man was always remunerated.

Can we speak of bribery in the present case? I think I have the right to assert that we cannot.

What does Yemelyanov say about monetary relations? "Sometimes I, like the other workers, borrowed and obtained small sums from Cushny. Sometimes I would return them, but 40 rubles I believe I did not return." That is all that Yemelyanov says – "but 40 rubles I believe I did not return."

Is it conceivable that a Russian worker, who is absolutely uncorrupted, with no anti-Soviet inclinations, and who is not a counter-revolutionary, could be bought for 40 rubles lent to him? Under these conditions can we regard this as proof? Under these conditions, from the point of view of judicial proof, can we consider Yemelyanov's evidence to be reliable judicial proof on this point?

I think that one must really be quite mad, or at any rate a fool, to venture upon such an obviously simple method of action under these conditions. But at any rate we have no grounds for believing that Cushny is a fool. We cannot say that Cushny did not know what he was doing. To say so would mean to admit that Cushny put himself entirely in the hands of Yemelyanov. If Yemelyanov were an honest man, he, after taking the money, would go and denounce him, and he could not do anything else. But if he were a dishonest man, he would, by that, have placed himself in the other's hands and ceased to be master of the situation, he would have become completely dependent upon him, subject to his blackmail, extortions, and so forth.

Does this case resemble the complicated relations which we have in the case of the other accused? I believe that while keeping within the limits of verification of the judicial material, we can and must make the point that Yemelyanov's testimony is not sufficiently categorical; it does not sufficiently set out the circumstances and the motives of the case itself; it is insufficient because of its extreme brevity, because of its indefiniteness and the impossibility of supporting and verifying it by something else; therefore it cannot be taken by us as judicial proof, establishing guilt in the matter of a

grave and serious crime against the State.

I have already said that in all the other cases it has always been a question of verifying a particular incident, by testimony or by the examination of one or other of the accused.

Take the accusation against MacDonald. We have continuous verification of the material in the person of, say, Gushev. Take the accused Thornton. Against him there is the evidence of the other accused. But in regard to Yemelyanov I venture to assert that there is no information in the case to the effect that he was suspected of being an accomplice. Until 1933 no proceedings were instituted against him. Just as he was working when Cushny was in Baku, so he continued to work there. During all that time there was no incriminating evidence against him. We must put the question directly and simply – Yemelyanov is an ordinary, simple Russian worker whom, let us assume, Cushny wished to utilize for his wicked aims. And he proposes to him that he should do wrecking work in consideration of an insignificant sum, wrecking work of a most glaring and pernicious character. Is that likely? I believe I am fully justified in submitting to you that this question should be answered in the negative.

But in order to ascertain whether we can deal with this from the point of view of Cushny's business relations, I think it important briefly to touch upon his life in Baku. The Public Prosecutor has properly stated the question from the point of view of the Prosecution in this matter. The Public Prosecutor has the right to regard every action of the accused with extreme suspicion and caution. The Public Prosecutor raised the point that Cushny was maintaining relations with a number of persons, that he used to visit Yemelyanov and other people, that Cushny made these connections in order to obtain information. But was he getting this information for the purpose of espionage? That is the question. Was he getting this information and was he making these connections in order to obtain data of a definitely criminal nature?

Permit me to draw your attention to the scanty data contained in this thin file called Cushny's dossier, and look at the arguments adduced in connection with this by my worthy opponent.

The Public Prosecutor says that he visited Medvedev. Yes, he did. Medvedev has a wife who speaks English; perhaps it may be possible to find definite clues which point to some sort of relations. Is it possible? Yes, it is possible. But is something else possible?

Yes. Perhaps he visited Medvedev simply because his wife spoke English and he as an Englishman took pleasure in being able to speak in his native tongue? Maybe he visited Medvedev because the latter's wife was an interesting person and it was pleasant to speak with her; he is still a young man. Is this also possible?

I understand if the visits paid to Medvedev are looked upon with suspicion, when it is done in order to have them verified. But has anything bad been proved in relation to his acquaintances, his acquaintances of whom he spoke himself in our presence, and of whom we have information in our dossier? No. He attended parties twice at Yemelyanov's, at Bochkarev's, and he was in a restaurant. The Public Prosecutor says that he "used to be" at parties and in restaurants. Let us admit that he was often there. Well, what of it? Was that a counter-revolutionary assembly? Have we in this case a single piece of evidence?

The President: There is evidence in the dossier that Yemelyanov was arrested in connection with the present trial.

Lidov: Quite true – now, in 1933, after the evidence and in connection with the evidence which he gave himself. But I am speaking about data referring to 1928. I shall say a few words about that later on. I do not wish to ignore a single circumstance in the present case or to give you a picture which is exclusively favourable to Cushny. Precisely on the basis of this fact I maintain that Yemelyanov was arrested after he gave this evidence. But who named Yemelyanov and Bochkarev, who spoke about Medvedev? Indeed, we have an absolutely irrefutable document. Did Cushny deny these facts? In the record of March 13 Cushny frankly stated – I visited Yemelyanov, Bochkarev and Medvedev. This is what I spoke about. Of course, these facts must now be verified. It is quite true that Yemelyanov should be suspected. It is quite true that proceedings should be instituted against Yemelyanov. But what kind of meetings were those? We cannot draw the conclusion that because Yemelyanov gave us this evidence now, therefore the persons who visited him in 1928 were of the same definitely suspicious nature. Here again we are in the position that it is impossible to verify this circumstance.

But it is possible to suppose something quite different – that this engineer who came here to work, in the course of his work, meets Yemelyanov and other fitters and mechanics, and that he has not and cannot, by the nature of his work, become part of an intimate circle of specialists, of whom there were not many in Baku in

1928. Can't he sometimes go to the restaurant with his workers, either on his or on their invitation, in order to have a private chat, to learn about the life of the Russian people, to see how they live and to get information? Can we maintain that the information he thus obtained was definitely of a secret nature given for a deliberate purpose by people specially selected, bought or otherwise corrupted? We have no material whatever on this subject.

Permit me also to draw your attention to the fact that such material, if it existed, would certainly have come to light as has happened in relation to the other accused. Such facts were bound to be divulged in one form or another. If the seeds of which the Public Prosecutor spoke were really sown in 1928, you will agree with me that five years is sufficient time in which to verify as to the harvest they yielded in Baku. But we have less data about the Baku Power Station than about the others. Apart from this case, there is no mention of any further acts of a wrecking nature in this region. Therefore, it may be assumed, or presumed, but we cannot, on the basis of these facts, establish it.

The Public Prosecutor maintains that because Cushny sometimes spent his time with the mechanics and fitters, there can be no doubt that he did it in order to get information from them. Granted that this is so, I am ready to adopt the point of view of the Public Prosecutor in order to verify this statement. Let us verify it by Yemelyanov's evidence as to the kind of conversations they carried on, because this is the only source that will help us to throw light on this question. Yemelyanov said, and the Public Prosecutor draws therefrom a very dangerous conclusion, that Cushny took an interest in the moods prevailing in and in the state of supplies for the Red Army. Hence the Public Prosecutor says: here is confirmation of espionage work. But perhaps he took an interest in these moods and in the supply of the Red Army for other purposes, and not for espionage? Perhaps the conversation was only of a general character? We have no indications as to what kind of information was given by any of the company, or what information he received; we only know that he was interested in the moods and in the supply of the Red Army. One may presume that at that time he might have taken an interest in these questions for purposes other than espionage. I think again that nobody can reproach me with being desirous of distorting the perspective of this case.

The year 1928 was the beginning of the Five-Year Plan. A bold

challenge was thrown out to the entire world – that in five years we would attempt to do what had taken them many decades to achieve. We invited an Englishman, a specialist, a representative of a powerful country of a high technical standard that he might teach us, as pupils, and give us technical aid. And he knows and understands that. But he knows something else, namely, that this challenge meets with hostility, that at that time, as now, we were confronted with the danger of military action against us so as to stop the progress of the U.S.S.R. Granted that sceptics smiled and said that this was a trifle, but very many people across the frontier understood it and were seriously alarmed. Now do you imagine that any foreigner would not take an interest in what kind of forces we have and whether we could withstand the attacks of some powerful country, say, Great Britain, who considers herself the ruler of the waves? With what forces are you going to meet the attack? What have you exactly, what is your army like, and what is its strength? These are questions which can and must interest a spy, a special Intelligence agent, but they are also questions which interest any foreigner, any traveller, and they are sure to interest him. And if Cushny tells you that he was not interested in such questions, then subjectively it is correct that they didn't enter into the sphere of his special interests, that he did not set himself such tasks, but there may have been and must have been conversations on that topic.

The difference lies in something else. Comrade Judges, the difference lies in what one is interested in, and how one is interested in it. Now about this we have no material in the case. You know a spy is not interested in what the army is like generally. He is interested particularly in what the army has, quantity of ammunition, quantity of armaments, things which we have in all the other cases. But a man who takes a general interest is interested in whether we have something to fight with, whether we have tanks, machine-guns or aeroplanes, or whether we are people who are engaged only in technical studies. And you remember, and I think it is not necessary to remind you, that recently Comrade Voroshilov in the speech delivered to the whole world recalling those years, said that while in those years we had only a few tanks that we had captured from the enemy, now we have excellent armaments. This gives the Public Prosecutor the right to say, as he did say to Thornton in his speech yesterday: "Try them!" Of course, people were bound to be interested in what we had, since they no longer saw these few, isolated

tanks. Comrade Smirnov said here that people who came from Great Britain quite wrongly conceived this land as being some fabulous country sometimes as a country in which every person with heterodox ideas is supposed to be roasted in a frying pan, sometimes as some mysterious sort of giant. He was bound to try to understand what kind of sentiments these people had. A man might have come across individuals, here and there, either enthusiastic or dissatisfied, but on the whole the first question must have been – what about your army? Of course, the answers he receives may serve for the purpose of espionage; it may also serve for the purpose of obtaining correct information for Governments and representatives of other countries, which are deciding in different ways the question about our relations. Naturally, Cushny couldn't get away from that, no more than a man can get away from life. But have we solid grounds for asserting that Cushny was collecting certain secret information about particular details of armaments, of the system of armaments, supplies, the quantity of shells, and so on? I repeat that apart from material in a general form, apart from Yemelyanov, we have no material in this case. And from the point of view of judicial proof, this material is not sufficient to support a charge of military espionage.

More than that. I consider, Comrade Judges, that we have some material which forces me as Counsel for the Defence to maintain that there are proofs which not only do not confirm, but which refute the assumptions of the Public Prosecutor on this question, material which is sufficiently convincing, because it emanates from people in respect of whom nobody can say they did not know or knew something but declined to speak. Cushny himself emphatically denied his guilt from the very first moment right up to the end. But there is the list drawn up by Thornton. There, among other names, is also that of Cushny. But is Cushny classed in the list as a military spy? The list is before you. What does it say? He is collecting information of an economic and of a political nature. I am not inclined to think that he could not have collected other information, but in that list Cushny is not described as a man engaged in military espionage. The indictment and the Public Prosecutor put the case in this way: Now MacDonald is a man who gives a direct clue to the case! But MacDonald, in his answer to the question of the Public Prosecutor concerning Cushny said here in the Court: "I presume that Cushny took part in Intelligence work." "I presume." He is very

guarded and niggardly in his words.

What does that mean? It means that he cannot say quite definitely. But if he cannot say definitely then, of course, the statement must be verified: what kind of work was it, what was its nature? In this respect we have Kutuzova's evidence. When the question was put to her in Court, she said plainly, Thornton and Monkhouse organized the work of wrecking and were the organizers of the espionage work. If Cushny had played an important role, why didn't she name him, seeing that he worked in the office? This is not accidental. As she herself said, Kutuzova knew everything and it was difficult to hide anything from her. That being so, if the relations were such, if nothing could be concealed from her, she should have known this. I should like to put the question to you from the point of view of judicial proof. Is her evidence to be taken into consideration? It must be.

And now put the categorical, I emphasize the categorical assertion, that definite people were engaged in this activity, alongside of the other points. First, there is no proof against Cushny, except the evidence given by Yemelyanov relating to 1928. Second, we should take into consideration what the President told us here, that proceedings have been taken against Yemelyanov in connection with this case and consequently Yemelyanov has every reason and desire, from motives of self-protection, to say as much as possible about others so as to extricate himself; at any rate, knowing the charges that were brought against other people, he, Yemelyanov, could only utter one general phrase, occupying not more than two lines, in his depositions. Putting all this together, I will say that in the present case there is not sufficient evidence to find Cushny guilty.

But there is one more thing, and this is the main thing. Although my worthy opponent made an extremely attentive approach to the case, nevertheless, in respect of Cushny, he was so brief and sparing of words that he omitted and failed to pay due attention. This is not a reproach. Very often in our work we omit something in our analysis and leave a particular feature not sufficiently explained. In this case it is Oleinik's evidence. Oleinik emphatically maintained in the Court: "I worked until 1929," as he expressed himself, "both in espionage work and in all the other despicable business with Thornton." From 1929 he worked with Monkhouse. It is not my business to go into the question as to whether this is correct or not, but at any rate, this is the evidence as it was given and I am

prepared to accept it. Consequently, we must draw the conclusion, that up to 1929 he worked with Thornton. He knew Cushny in 1928, because he worked with him in Baku at that time. Cushny was one of their men, "our man," as they used to say about each other. And now he is not told a single word about Cushny. I understand that in a complicated system of espionage, one spy will never speak about another. This is natural and understandable. It is necessary to check the activity of one man by that of another. But here it is a different matter. They all know each other, and at any rate, a man like Cushny, who is in the centre of the work, could not be kept concealed from Oleinik. Oleinik began to work in the firm earlier, his life, as he himself says, was bound up with the firm, where he acquired a good command of English, where special confidence was shown him and where he was considered as one of their own people. How is it he was never told: "Go to Baku and get in touch with Cushny"? Has Oleinik said anything of the sort? No. In 1932, Thornton reproached him for not doing something properly and said he ought to have taken an example from Cushny, who in 1928 so successfully damaged a turbine in Baku. A strange deposition! It is simply incomprehensible! First of all, Oleinik truly says about himself: "Whatever I did I used to do conscientiously and I also carried out in a most conscientious manner all my work in connection with wrecking and espionage." What he says about himself is true. Then why should Thornton reproach him? What lesson could he give him, and why this conversation in 1932, why set Cushny up as an example to him? On the other hand, in 1928, when it was necessary to tell him about it, nothing was said to him. How is this conversation to be explained? I ask you to consider one incident which made a great impression upon me personally. I cannot draw definite conclusions from it, but in my opinion you, as men who are experienced in testing human relationships in court and in life, cannot ignore this. You remember with what malevolence Oleinik spoke about Nordwall? You could feel the ill will of an old specialist, which he considers himself to be, towards a comparatively young – permit me to use a word which follows from his conception – a young upstart. "These young people come to me and want to teach me; but I know more than they do!" These are his thoughts. Oleinik is to a certain extent ill-disposed to these young British specialists who arrived from England. Perhaps this is understandable.

He is fighting for his existence, for his authority. This man is

probably an excellent foreman, and if he had only remained a foreman dealing with turbines and had not engaged in something else, he would have been a valuable worker for us. Hence, we can perhaps understand his somewhat wrong estimation of Cushny. Perhaps the phrase that was uttered by Thornton, we do not know exactly in what form, seemed to be in the nature of a threat. But can the Court arrive at the conclusion that we have here a categorical admission by Thornton made to Oleinik to the effect that in 1928 Cushny carried out that act? Such a conclusion cannot be made.

The conclusion which must be drawn from both the uttered phrase and Thornton's list, as well as from Cushny's statements, is that the collecting of information of an economic and political nature did take place. Yes, but here we approach the question as to how we are to evaluate these actions, and whether they are criminal, and if so to what extent.

I will not repeat what the Public Prosecutor has already said in reference to Article 58-6 of the Criminal Code. That Article of the Criminal Code quite distinctly refers to information that constitutes a State secret and not to the collecting of information in general. There is one exception there – and this is the collecting and communicating of information by the employee of this or that institution which officially prohibits the communication of such information concerning the special work it is engaged in. Cushny does not come under that Article, not being an employee of our State institutions. Consequently the question must be put directly: did Cushny collect information of a secret nature within the meaning of the term – State secret?

It is difficult for me to answer this question. I do not know, it may be presumed, but we have not sufficient data to enable us to state in the verdict that it has been firmly established that Cushny did collect information which falls under the category of State secrets. That being the case, there is some doubt as to whether a verdict of guilty can be passed upon Cushny under Article 58-6. We should not forget to consider certain peculiarities in Cushny's case. If I were to defend a Russian citizen charged with being in such a list, of collecting information of a political or an economic nature for the purpose of communicating it to a foreign State, even if it were information which was not prohibited, I would draw only one conclusion. I would say that this was not only sufficient, but more than sufficient, to charge him with the grave crime and say to him –

now please prove that this is not true. This is what the British Act which the Public Prosecutor quoted here has in view. The very fact of such relations, the very fact of communicating information and more so the fact of having obtained monetary remuneration, compels us to put the question as to the public danger of such an act. But it is a different thing when we approach a man like Cushny, who after all is a foreigner, who came to us, and who can and must not only do his work, but cannot help taking an interest in his surroundings, precisely because of the significance, and the great significance of the events going on around him.

I think it would be idle either for the Defence or even for Cushny himself to deny it. Not only he, but all foreigners coming over here are probably instructed to communicate and give information about the life with which they come in contact here.

And we know about it. We read the debates in the House of Commons, not on the situation connected with this trial, debates which reach beyond the study of this or that document and present subjectively a very original opinion, but on the question of relations between different States. We hear them say: according to the reports of our specialists who have been in Russia, such and such phenomena are being observed. And it would be strange if this or that person occupying a responsible position in a commercial enterprise established here would not take an interest in the situation here and would not inform his people about it. And Cushny told us correctly: "When I arrived from any town where I had been working, Thornton or Monkhouse would question me and I would make a report." But can we regard such a report, such information, such a conversation in the same way as we would regard a Russian who would take it into his head to report to Thornton? I would not dare say a single word, because he is not supposed to go and make special reports even to very esteemed foreigners. But it is a different thing when this is done by Cushny within the limits of his relations. Since we invited him here we have the right to say to him – do not violate the criminal law; do not venture to do what none of our citizens is allowed to do. But a talk with Thornton about the sentiments of the workers, that is your right. You could not help taking an interest in that.

Put yourselves in the position of a man who came to India. Would you not interest yourselves not only in the wonderful flora, and architecture of the country, but, say, also in the sentiments of the toilers, for instance, their attitude towards England? This is quite

comprehensible. Cushny would be a liar, and we would not believe it if he had said: "I was a narrow specialist, I worked on turbines, I watched the screws and nuts and blades to see how they were working and then went to bed." Of course he was not like that. Cushny has worked in the U.S.S.R. since 1925. He came over here when he was still a young man. He has been working here for the last eight years. He cannot get away from life. It would have been unnatural. Of course he conversed, of course he took an interest in things. Comrade Judges, you are faced with an extremely complicated task. I understand the Public Prosecutor's suspicion. It could not be otherwise, but I repeat that the scanty data before us is not sufficient evidence to convict a man on the charge of collecting information which was a State secret. Sometimes such a conclusion can be drawn because a man buys information and pays for it. With regard to Cushny it is quite different. He paid nobody any money. The petty sums he gave to the workers are not worth talking about.

Let us take the conception of the Prosecution – he gave petty sums. But it cannot be stated with certainty that secret information was obtained; this can only be assumed. I think that he could hardly have expected to obtain secret State information for the 40 rubles he lent to Yemelyanov.

Then, what information could Yemelyanov and other workers supply? This information could only be about the life, about the attitude to what is given to them, and so forth. This is also interesting, this may be injurious to us; but it is not the kind of information which Comrade Vyshinsky spoke about here and the collecting of which is of a criminal nature.

You cannot base a verdict on assumptions. This is an old and simple axiom. You must not draw up such a verdict because an assumption is always the work of our imagination, of the acuteness of our nerve and other sensibilities. One man can make good assumptions, another the reverse. One man formulates his assumptions lucidly and another can hardly put them into shape.

The law is correct. In the practice of law, when it is a question of summing up, assumptions are out of place. There should be only exact conclusions following from proof tested in Court. And we have no proof tested in the Court that would lead us to the irrefutable conclusion that Cushny's guilt has been established on all these three points.

I believe also that the question as to whether Cushny should be

convicted or not is not the whole question. That is not the question. This is one of the episodes of this great trial. The verdict will be just as important and just as convincing whether Cushny is convicted or acquitted. But in approaching this question I should like to stress that in my opinion it is necessary to avoid in this verdict everything that might cast a doubt upon its reliability and its force, and when there is any question of doubt at the judicial investigation, then the verdict must not be one of guilty.

The Prosecution itself have shown in the clearest possible fashion that in regard to Cushny we have a case open to great doubt. I refer to the last part of those arguments Comrade Vyshinsky advanced in addressing you when, instead of facts, he gave an estimate of Cushny's behaviour at the preliminary examination. You remember what Vyshinsky said: At the preliminary examination Cushny declined to answer questions. Cushny behaved like a tried and experienced spy. And he contrasted Cushny with Thornton who had immediately told everything. True, the conclusion from this is an unfavourable one; because Thornton told everything, he is an agent, though a bad one, while Cushny, because he told nothing, is also an agent.

Let us not speak of this, however, but of whether it is possible to take this behaviour as evidence against Cushny. Is it possible to offer this to you as judicial proof of guilt? I think that in this respect the Public Prosecutor is wrong and I have the right to raise this question. Did Cushny decline to give evidence at the preliminary investigation? Did he keep silent? Glance at the dossier. Cushny was arrested on the night of March 12. On March 13 he gave detailed testimony in answer to all the questions submitted to him. On March 13, as I said before, he enumerated a number of acquaintances he had in Baku, and told in detail about everything he was asked, about everything which was of interest to the examiners. I consider that an experienced agent would understand at once what it was all about and would at once decline to speak, but here names were given and confirmed, a possibility is offered of verification, of following up the clue. All the connections, all the threads were shown. I have the right to assert that on March 13 Cushny gave evidence.

Two days after that, on March 15, there was a confrontation and an examination. Cushny spoke, gave evidence, confirmed one thing, denied another. On March 22, Cushny said what he has repeated here several times. We, of course, are only going by the records and

it is possible that there were intermediate conversations, not of a sufficiently concrete nature, and which were not entered in the records. But up to March 22, Cushny continued to give explanations at the confrontation. He spoke with and contradicted Thornton, declaring that the latter's evidence was correct in one part and wrong in another; he emphatically denied the charge of military espionage, and so forth; he told about the conversations and how they proceeded, and about the kind of information given. Cushny did speak. And only after that, at the second examination on that very day, March 22, when he was asked to name the Russian citizens from whom he had obtained his information and when a number of other questions were put, Cushny replied: "I do not wish to answer or to give any further evidence."

Let us dwell for a moment on this question. Is it, indeed, possible to explain it only in the way the Public Prosecutor has done? I think that if such great importance is attached to this question, it should have been possible to examine Cushny on the subject. I, for one, as Counsel for the Defence, cannot give evidence on Cushny's behalf. I asked him afterwards but I am not here as a witness.

But if such importance was attached to this point, why was not Cushny asked during the Court investigation: "Why did you not wish to give that evidence," and Cushny would probably have explained why. I do not know whether it would have been convincing for you or not, but we could have verified it and drawn our conclusions. But when the Prosecution leaves this point out, when they do not attach any importance to it, I must say that the accused himself has equally the right not to touch on the question. And why was it possible to attach no importance to it? I have put the question to you whether it is only spies who have a right to be silent. Don't we say in Court to every accused that he has a right to refuse to answer any question he does not wish to answer? And does such a refusal to answer serve as proof of guilt? Never! Does not an Investigating Judge, who, as the Public Prosecutor truly said, in our conditions not only makes charges but also safeguards the interests and the rights of the accused, does not the Investigating Judge say that if you do not wish to answer, it is your right not to do so? Of course, it is much worse if you don't, because you put difficulties in the way of the examination, but generally, you need not answer questions. Isn't this said? And why is it said? Because the law understands that the position of the accused is so difficult and complicated that

sometimes he of course has the right not to answer certain questions and there is no need for me to conjecture why this is done, because in this case I shall be speaking one-sidedly and without data. But you should not overlook even a single line of the evidence.

On March 13, Cushny incidentally answered one question. "Among your acquaintances was there a woman with whom you were in close relations?" He answered: "Yes," and gave the name. Note what happened further. After that, one of the witnesses in this case affirms that the information was given to him by a woman, a close acquaintance. On March 22, the question was put in a different way. Cushny learned that a charge of espionage was being made against him – whether this charge was justified or not, from his point of view, is a different matter – and he said: "I repudiate it. I think I am not guilty of it." But they continued to accuse him of espionage. He understood that this is a serious crime. He was asked a specific question: "And who gave this information?" He replied: "I do not want to give names." Not give the names – it would be more correct to say, I do not wish to repeat them. This is an essential difference. Precisely: I do not want to repeat them; because they had already been given, but it seems to him that to repeat them in this aspect would cause these people a lot of unpleasantness and embarrassing examination and questioning. This was his right and I cannot say that any other conclusion can be drawn from it except that one may assume that he had serious reasons for not giving evidence. But here in Court, did Cushny utter a single word about wishing to withhold any names? Was there a single question he did not answer? He is not silent here; on the contrary he speaks. Therefore, let us approach this question in the way we ought to approach it. His behaviour when he made his statement does not give us the right to draw conclusions either in his favour, or against him. It was a point which, if we attach any importance to it, ought to be properly elucidated here first.

Now, Comrade Judges, permit me to sum up the whole case as Comrade the Public Prosecutor did. I consider that in consequence of the Court investigation which has taken place before you, in regard to military espionage there is no confirmation of the espionage work in the special sense of the word which calls for punishment, on the contrary it is refuted by the evidence of Kutuzova.

Concerning the wrecking work we must come to the conclusion that we have not sufficient data, because after 1928 there is not a

hint as to any acts, either in Baku or in any other place, with which Cushny was concerned.

I must beg your pardon, I made a mistake. Apart from the question of the turbine blades. True, the Public Prosecutor in his speech did not incriminate him in particular, but it follows from the general context, because he, too, had turbines and in his case, too, blades broke. We have the indisputable fact, confirmed by the experts, that the structure of the blades was faulty. Consequently, there were faulty details in the structure of the machine. But Cushny was only installing, only assembling the blades. I do not know whether the machines arrived from England with the blades fixed already or whether they were fixed here, but he was only installing them and not making them. Here various conclusions can be drawn. It may be suspected that someone, somewhere, intentionally built such blades, but Cushny answers here only for himself, and only for failing to adopt measures which he ought to have adopted. And we know in this case that not only did he make declarations about it, but that on the basis of the declarations and statements which he made and which the State institutions made, commissions were appointed and, after long discussions, various measures were drawn up, but these measures were not completely elaborated. This circumstance does not by itself serve as evidence that he was guilty of committing wrecking work, by permitting the turbines to run with such blades. This does not follow from the data which we have.

There remains the collecting of economic and political information, about which I have spoken. Here there may be two points of view. I consider that in so far as it has not been established by the Public Prosecutor that this information was in the nature of a State secret, you, in giving your verdict, will have to take into consideration the arguments of both sides and make a decision accordingly.

I think that with this I can conclude my speech, and I make so bold as to put it to you that you are entitled to draw the conclusion that his guilt has not been proven, because if the verdict in this case will be of great importance in general, that part of the verdict which will exonerate Cushny of guilt will have an even louder and more convincing echo. If the verdict contains the statement that, in spite of the request of the Public Prosecutor, the Court finds that Cushny has not been clearly proved guilty of wrecking activities and of military espionage, it will be an additional proof that the road from a Soviet Court leads not only to prison, as is the opinion expressed

in London, to which the Public Prosecutor referred, but also to freedom. The prison doors must close on those whose guilt has been irrefutably and fully established, because the State must deal thus with every one who tries to damage and undermine its power. But for those whose guilt is in doubt, the path to freedom must be open, however forcibly and authoritatively the Public Prosecutor may plead, because where there is doubt a Soviet Court does not convict.

The President: The Court will now adjourn.

(At 12:40 p.m. the Court adjourns until 1:10 p.m.)

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Commandant: Please rise. The Court is coming.

The President: Please be seated. The session is resumed. Comrade Kommodov, member of the Moscow Collegium of Defence.

Kommodov: Comrade Judges, one may envy the simplicity of those who suppose, and sometimes even assert, that every foreign specialist who comes to the Soviet Union to work does so in one mood – the mood of creative enthusiasm – and consequently cannot be a spy or a counter-revolutionary or a wrecker. I am not so idealistic. Man is man, and as such, his behaviour is guided by impulses. The impulse itself is created by the influence of all kinds of social and psychological factors, upbringing, education, environment, origin, traditions, the conditions of private life, social status and so forth. That is why it is impossible, of course, to assert that all the foreign specialists who come here do so with a single aim. There are doubtless some who come here and bring with them anti-Soviet sentiments, and who, guided by them, perhaps, do more wrecking than good work. I do not for a moment assert, or even assume, that these are the majority. Oh no, I think that the majority, the overwhelming majority of foreign specialists in our country are working honestly and conscientiously. Some of them, perhaps, are conscientious in their work because of professional honesty – as officials; they have taken certain duties upon themselves and they conscientiously fulfil them. In others this degree of professional conscientiousness is probably supplemented by a large measure of curiosity and interest in working under new conditions, in a new and hitherto unknown social system, at new rates of development; and perhaps,

when they observe the creative urge of a densely populated country which, with tremendous enthusiasm, sometimes under great hardships, is realizing and embodying ideas which are the finest creations of the human mind, they as honest men, cannot but be stirred. The creative urge of a great people cannot fail to move them. I am convinced that some of them are working with no less enthusiasm than the whole country is working; they are sincere friends of the Soviet Union who understand that the ideal which is the life and soul of the Soviet Union is the ideal of the whole of humanity, that the society which is being built, sooner or later, will be inevitably achieved, that it will become the life of all.

But while holding this conception of the work of foreign specialists, I think, nevertheless, that there may be individual representatives who really come here more for the purpose of wrecking than of working.

This has to be borne in mind in every concrete case. And we find that instances of prosecution of foreign specialists are indeed rare exceptions here. Wrecking, as a means of deliberately destroying the economic life of the nation, as a means of retarding its development, is well known to us in connection with previous trials – the “Industrial Party” case, the Menshevik case, and more especially the Shakhty case. But it is a rare phenomenon – this prosecution of foreign specialists. This is due not only to the carefulness of the authorities, but chiefly to the fact that on the whole, foreign specialists work conscientiously; because in each individual case, when a foreign specialist exceeds the bounds of Soviet law he is criminally prosecuted, and in this respect, his foreign origin and his foreign citizenship affords him no immunity. It is time everybody understood that.

But leaving aside these generalities and turning directly to the personal defence of Monkhouse, the question naturally arises, which of these two categories applies to Monkhouse; does he come under the majority, who honestly and conscientiously carry out the duties undertaken for various motives, or under the wretched minority who forget their duty and, perhaps, under the influence of personal convictions, work unconscientiously and sometimes criminally.

You have heard, Comrade Judges, that the charge against Monkhouse is presented in full scope as given in the indictment. The charge against Monkhouse embodies the three main lines char-

acterized as espionage, wrecking and bribery.

On the other hand, you have heard Monkhouse's denial of his guilt. In the office of the Public Prosecutor, when he was presented with the indictment, he said: "I don't consider myself guilty of spying; I don't consider myself guilty of wrecking; I can confess myself guilty of being a party to bribery."

Thus, we have two mutually exclusive conceptions.

Our task, as parties to this case, is to present the arguments confirming one or the other version; while from the furnace of the Court's deliberations, on the basis of the material at your disposal, will emerge the truth which will be expressed in your verdict, before which we shall bow our heads in silence.

You understand, Comrade Judges, that in cases of this kind there can be no room for emotional pleading on the part of the Defence. Therefore I shall oppose to the high talent of the other side a careful, detailed, I might even say commonplace analysis of the evidence brought against Monkhouse. I shall conduct this defence, trying as far as possible not to attack anyone at all. To be in the dock is a serious matter for anybody. There is no official standard by which to measure the sufferings of a man when misfortune comes his way, and it is impossible to say whose lot is the hardest. There is no need for me to make anybody's lot harder and I shall try to avoid doing so.

What is the main basis of the charge in the present case? It is not Kutuzova's evidence, of course; neither is it Oleinik's evidence. Even if these were laid aside, the main features of the charge would hold good just the same. The chief basis of the charge is the Zlatoust affair. That is my viewpoint. Gussev's testimony, Sokolov's testimony, MacDonald's testimony, the information given by different people, at different times, and complementing and corroborating each other, sealed by incontestable facts, and the findings of the Commission of Experts – all this forms the basis which, for us of the Defence, is damning in the sense of the conflict of evidence presented.

In the Zlatoust affair especially, all the main lines of the charge – espionage, bribery and wrecking – found precise and striking expression.

The question of espionage is always a disputable one. English law to which Comrade Vyshinsky referred yesterday contains a very broad interpretation of espionage. And the most important thing to

note is that the centre of gravity there is not the objective factors, not the question of what papers and what information were taken, but the subjective factors, namely, what purpose was followed in taking them. Therefore, the width and breadth of interpretation is here very great.

Our law is more just in this respect. Our law, in Article 58-6, takes the objective factors into consideration. This Article, as you know, falls into two parts. The first concerns secrets especially guarded by the law. The second concerns matters which are merely not to be made public.

That is more just. I would say it is more humane. And it leaves no scope for arbitrary personal discretion. But from the standpoint of this more circumscribed law, the espionage which took place at the Zlatoust Power Station leaves no room for doubt in the mind of anyone. It is definitely espionage; for while the character of the information given, whether it is economic or political, may still be open to discussion, it is nevertheless clear to all that when information is given as to the type of shells, or the type of aeroplane engines, or the capacity of munitions production, it is absolutely beyond dispute that this involves a specially guarded State secret.

This is why I say that in this affair, in the Zlatoust affair, all three main lines of the charge assume precise and striking form.

And now I take the liberty of putting a rhetorical question: is it conceivable, is it possible to imagine that one of the most active wreckers who, according to the sense of the indictment, headed the organization, played no part in this work, either directly or indirectly. Let us, in this case, examine the testimony of those who acted as living perpetrators of spying, wrecking and bribery. You heard the testimony given here by Gussev, Sokolov and MacDonald, with exhaustive fullness, with absolute sincerity; and though this sincerity may be the best argument in their defence, be they Englishmen or Russians, the fact remains that they scourged themselves. And, after all, in these testimonies, which were not mere statements, but gave facts, is there a single reference to Monkhouse? Gussev and Sokolov were before you. I put the question emphatically: you said from whom you obtained information, you said to whom you gave information, you said who it was gave you money, but was Monkhouse directly connected with you in any way, or at any time? I got a negative reply. Perhaps you will tell me that this was natural fear on the part of the Russian engineers. I can allow that. But MacDon-

ald is his colleague, MacDonald is his fellow-countryman and I put the question to MacDonald and got the same answer. Comrade Vyshinsky pointed out that one of MacDonald's statements indicates that Monkhouse was the firm's chief and also took part in this illegal activity. That is true, but it should not be forgotten that here in Court, Monkhouse testified to what he thought, what he supposed, and did so not only at the trial. I have the deposition of MacDonald made at the preliminary investigation, page 64, Volume XII, where he says: "I deem it necessary to request to put on record of this interrogation that all directions and instructions on espionage and organization of breakdowns and damaging of machines I received from Mr. Thornton. I deem it necessary also to mention in this protocol that information of spying nature which was passed by me to Mr. Thornton, the latter passed on to the Intelligence Service."

Then another testimony: "I confirmed my guilt in the following... that all these crimes against the U.S.S.R. I carried out not only in conjunction with Russian engineers and technicians involved by me but also in conjunction with other employees of the Metropolitan-Vickers Company and whose names were given by me in previous testimonies, directly with Mr. Thornton, supposing the participation in these activities of Messrs. Monkhouse, Cushny and Noel."

This he confirmed also in the Court. But I put the question in another way. There, on the spot, when you were carrying out your wrecking plans, when you were doing spying work, when you received information, when you took money, did you then have any connection with Monkhouse? He answered in the negative. And yet we cannot suspect MacDonald of being biased in favour of his fellow-countrymen, because MacDonald, whose testimony I believe, did mention that he gave to Thornton, his fellow-countryman, information, and so if he remained silent about Monkhouse, it was no accident. I know the objection that will be raised, and which follows logically. It will be said: was Monkhouse necessary when they had Thornton as an intermediary? I shall deal with this question in particular when I analyse the private and business relations between Monkhouse and Thornton. It is the most dangerous point for Monkhouse. I know that. But for the time being, allow me to deal solely with the facts.

These were the circumstances in connection with the Zlatoust Power Station. Take the wrecking activities at other power stations and, Comrade Judges, you will find the same thing. The majority

gave testimony that cannot be disbelieved. Some testified with such fervour that their sincerity seemed too overwhelming. Well? Not a single one of these testimonies mention the name of Monkhouse. For me, Comrade Judges, the testimonies of the engineers who worked at the Moscow Power Station are especially important for the following reasons. Oleinik in one of his testimonies said: when Monkhouse sent me to the Moscow Power Station, he said – you will find a group of engineers there who are in sympathy with our firm. And one of them – he mentioned Krasheninnikov – is a “good chap.” In the subjective perceptions of Oleinik this has now formed itself into the characterization of a wrecker. For me it is not important how this thought formed itself in the subjective perceptions of Oleinik; I shall take only the facts into consideration.

It would seem, under these circumstances, that it was absolutely essential that there should be direct connection between those who were working and carrying on wrecking at the Moscow Power Station, and Monkhouse. You had before you the accused: Zorin, Krasheninnikov and Sukhoruchkin. Did they say a single word or drop a single hint about Monkhouse? Did they affirm their own direct connection with him? Yet their testimonies were very strong. Take the sincere testimony of Sukhoruchkin, who virtually flayed himself in his contrition – dreadful, convincing testimony. Moreover, is it possible that Sukhoruchkin, in whom a profound spiritual change has taken place, would have spared anyone? For he speaks about Thornton just as simply and with the same sincerity as he speaks about himself. It is your business to believe or disbelieve the testimony he gave in Court about the others; but the important thing for me is that he did not say a single word about Monkhouse, just as Krasheninnikov and Zorin said nothing about him. I will add yet another point. While it could be said that because of the post Monkhouse occupied, he did not go to the provinces frequently, the Moscow Power Station, however, is quite near, and yet you do not see the link, the connection, which should naturally have existed between individual wreckers and Monkhouse. There is none. Is this also an accident?

Thus, it appears that not a single one of the wreckers, who actually perpetrated wrecking in the places where their grave crimes were committed, gave evidence against Monkhouse.

True, one of the accused gave evidence against Monkhouse, and I shall not ignore it. I refer to Oleinik’s testimony. I should like

to approach the evidence given here with the assumption that a certain amount of confidence can be placed in it. The Public Prosecutor characterized Oleinik as a man who cannot refrain from speaking. He certainly talked, but this is not what is important for me.

Leaving aside all the subjective motives which induced Oleinik to talk so volubly, I will deal only with that part of his evidence in which he points out that Monkhouse was involved. Consequently, I quite correctly put him the question: Tell me, Oleinik, what concrete tasks of a spying and diversional character did Monkhouse give to you? Permit me to make one general remark concerning Oleinik's evidence. Oleinik declared here, and it is indisputably established, that he had dealings with Monkhouse before 1929. After 1929, he ceased to have any direct business dealings with him, but such dealings were established between him and Thornton. I next put the question: Did you commit any wrecking acts before 1929? He answered in the negative, and this is the truth. Thus, in this case also, we come to the conclusion that during the time when Oleinik was in direct touch with Monkhouse, he committed no wrecking acts. In reply to the question of the investigator, Oleinik referred to two cases in which, according to Oleinik, Monkhouse's association is beyond doubt.

Permit me to take Oleinik's evidence without changing a single word; I will say more, Comrade Judges, permit me to take the evidence of Oleinik, believing him.

Question: "What tasks in the nature of espionage and diversion were given you by Monkhouse?"

Oleinik answered: "In 1928, when I went to the Urals, I was instructed to find out about the condition of the works to which I was going, namely, the Nadezhdinsk Works, and, in general, about the state of transport and industry in the Urals."

What was Oleinik's estimate of a job of this kind?

The next question put was: "State in detail how you were drawn into the espionage work?" and he replied: "I worked for the firm for a long time. At first I was given the task of gathering information about the state of industry in connection with the orders, this being connected with the work of the firm. This was in 1928. I considered that I was obliged to do so in the interests of the firm. In 1931, Mr. Thornton told me that it was necessary to obtain information about the state of industry, transport, and electrical energy. And in 1932, Mr. Thornton quite clearly told me that it was necessary to select

people for espionage and acts of diversion.”

What does this tell us?

In 1928, Monkhouse, while accompanying an employee of his firm, Oleinik, to the Urals, asked him to collect information about the state of industry, and Oleinik regarded it, not as espionage information of a secret nature, but as information necessary in order to get larger orders for his firm. This is how he understood it, and I say that it cannot be understood otherwise.

If you take Oleinik’s evidence in this context, just as he said it, without changing anything and believing what he testified, you will find nothing that could fit into the first part of Article 56 of the Criminal Code. But Oleinik said something more important in his evidence.

The investigator not only asked him what instructions were given of a spying nature, but also what instructions were given of a diversionary nature. To this Oleinik replied: “I was not given any tasks by Monkhouse in regard to acts of diversion.” Here he confirms this. Oleinik points not to one case, but to two.

I will not ignore the second case, and will again take Oleinik’s evidence without changing a single word and believing his evidence completely.

“At Shterovka Power Station,” said Oleinik, “Monkhouse instructed me to drag out the test periods beyond the guarantee term and to start the turbines without tests being made, because tests were not profitable for the firm.”

I submitted to you the letter written by Oleinik to the firm, in which it is stated that chief engineer Vinogradov demanded that the test be postponed, saying that “the apparatus necessary for testing was not yet ready.” But even if we draw the worst possible conclusion from what Oleinik said, it will be a question of an act of commercial dishonesty and not of a criminal or counter-revolutionary crime such as those we are now investigating.

This is the only conclusion I can draw from Oleinik’s evidence – from evidence which I accept absolutely and completely, without changing a single word.

I will now turn to Kutuzova’s evidence. I cannot ignore it inasmuch as, and here I disagree with the Public Prosecutor, it is not a valid argument in law. Here again I would like to approach it with a measure of credence, as I always do with the evidence of witnesses and even with the evidence of accused persons. But I cannot do so; I

cannot recognize Kutuzova's evidence as being a sufficiently valid argument in law, for two reasons.

First, Kutuzova gives no concrete facts. Kutuzova says: "I heard," "I know," without giving a single fact to substantiate her evidence. That is the first thing.

The second reason lies in the inherent contradictions in this evidence. For what is the basis of Kutuzova's evidence? In reply to the question: How could you know of the wrecking activities of Monkhouse? – she says: Because of the degree of confidence which both Thornton and Monkhouse felt towards me. I was their employee, had worked for many years, and was their friend. Hence, the degree of extreme confidence, of which she speaks, seems natural. That is true; but in that case, how can one reconcile it with her next statement, which is included in the indictment.

Permit me to read it. Here is the deposition, on page 126, Volume XIX. "As early as 1930 I began to notice that in addition to business connected with the interests and tasks of the firm, Thornton, Cushny, MacDonald, Monkhouse and other employees in the firm's office were engaged in some kind of illegal work. They had secret conversations with some Soviet citizens, often locked themselves up in their private office, made secret notes, etc." Can it be said that Kutuzova's testimony bears evidence of the complete confidence of which she speaks? Can it be said that, with the confidence in her which she talks about, it was necessary to lock themselves up in an office to carry on secret conversations? Would it then have been necessary to peer and pry into the nature of the secret conversations, would it have been necessary to guess at them? How can all this be reconciled? But this is not the only evidence. In another place, Citizen Kutuzova says: "I suppose that Thornton and the other workers in the firm's office gave their information to Richards and carried on their espionage under him. I drew this conclusion from the fact that when Richard's came over, secret talks were held with him, and besides this, Thornton and Monkhouse mentioned the name Richards in their secret conversations."

Permit me to adduce another piece of evidence: "all this taken together forced me to be more cautious in my attitude towards their behaviour. I did not give up my idea of testing this more exactly and in detail. I chose a convenient moment when Thornton was particularly favourably disposed towards me, having drunk a great deal, and he told me that he not only worked for the firm, but at the same

time carried out certain work for the Intelligence Service.”

If you take this evidence as a valid legal argument, and believe it, then it is not a question of Monkhouse, but of Thornton. Thus, however I may desire to approach Citizen Kutuzova’s evidence with credence, I cannot do so because of the inherent contradictions in it and because of the absence of concrete facts confirming it; neither can I construe from it a legally valid argument that could be made the basis of a verdict. The chain of evidence against Monkhouse is closed by Kutuzova. I shall not have exhausted all the material accusing Monkhouse if I were to leave out Thornton’s evidence. When one mentions Thornton’s evidence, the question naturally arises: which evidence? You have seen that Thornton frequently changes his evidence.

Comrade Judges, I have always been indulgent in my attitude towards vacillating evidence and moods of the accused. Perhaps this is the natural instinct of Counsel for the Defence, an instinct acquired by years of work as a lawyer. Nevertheless this vacillation forces me, as a lawyer, to be especially cautious in regard to this evidence. Which of Thornton’s statements can be accepted in the present case? The Public Prosecutor left this to Thornton’s conscience. This is the best attestation to Thornton’s evidence, with this we shall close. When we talk about Thornton in connection with Monkhouse’s defence, it is as well to raise the question not of Thornton’s evidence but of one much deeper and more serious: about the structure of the personal and business relations between these two persons, since this question conceals the greatest danger for Monkhouse.

Let us look into these relations purely on the basis of facts. Between 1911 and 1918 these people were connected by the work they were doing in Russia. In 1918 they both left Russia via Vladivostok. One went to Mesopotamia, and the other to Archangel with the expeditionary force. After that, in 1924 or 1925, they once again enter the service of the same firm – one as an installation engineer, the other as his assistant; then one became the firm’s representative, the other an installation engineer. They lived together in one villa.

What is the conclusion to be drawn from these facts? There is only one – here is an atmosphere of true friendship, which gives us the right to say that these two men had no secrets from each other. When Monkhouse is asked, he does not hide his friendly attitude either to Richards or to Thornton. Under these circumstances it is

quite logical to ask both Thornton and Monkhouse the question: If you lived so amicably together, if you were linked by so many years of acquaintanceship, fled from Soviet Russia together prompted by the same sentiments, if you have common interests, is it not natural to suppose that in giving information to Monkhouse, you, Thornton, gave all the information you received yourself, and since the information you received, according to Gussev, MacDonald and Sokolov, was doubtless of a spying nature, it follows that you supplied Monkhouse with this information as well?

This is the natural, logical conclusion. And I understand why Comrade Vyshinsky, an experienced court protagonist – for this is not the first time we have met him in the Court and, as he says, crossed swords with him – only asked Monkhouse two questions about espionage work, first: “Did you receive any information?” “Yes, I received information of a political and economic nature.” “From whom did you receive it? From Cushny and Thornton?” He replied: “Yes.” And there Comrade Vyshinsky stopped.

It would seem that this question should have been followed up by asking what information, since the centre of gravity lay there. But this was not done, and we ask why? Because if Thornton received the information we know of from the evidence of Gussev and MacDonald, and if he was so intimate with Monkhouse that there would be no secrets between them, then the natural, logical conclusion is that the information received from Gussev was given wholly to Monkhouse. Here lies the real danger for Monkhouse.

Comrade Judges, what can be said about this? One of the elementary principles of criminal law and of criminal court procedure in all civilized countries and of law codes is personal responsibility and personal guilt. Those, who in a criminal court invoke group responsibility and in advance vouch for all on the assumption that they are innocent, are gravely mistaken. We shall not defend this position, for it is both wrong in law and shallow from the viewpoint of the State.

But if we recognize personal responsibility and guilt, then in cases of mutual friendship between accused it is always possible to make this psychological mistake, namely, to transpose the impressions received from one of the accused to the other precisely because of these close personal and business relations or sometimes because of the fact that they live together in one place. The records of crime know of such serious mistakes. That is why I consider it

my duty to caution you, Comrade Judges, against the possibility of mistakes of this kind. And applying this to the mutual relations which existed between Monkhouse and Thornton, I must say that the position of Thornton in the case is extremely difficult. Difficult because, parallel with his complete denial of his guilt, there is a whole pyramid of evidence, both objective and subjective, which leaves the impression of absolute guilt on the charges levelled against him. Comrade Braude, Thornton's Counsel for the Defence, said here that against his client there is the evidence of Russian engineers, the evidence of his fellow-countryman, MacDonald, the evidence of employees in the firm and, finally, the evidence of Thornton himself. Against Monkhouse there is no such evidence, but there is his close proximity to Thornton against whom there is such damning evidence. This is what makes me apprehend the possibility of a slight mistake in the estimate of the actions of Monkhouse, the possibility of confusing impressions. That would be great injustice, since I can easily allow, Comrade Judges, that while maintaining friendly relations, the feelings of one changed while those of the other remained the same. I can readily conceive of something else happening: that if Thornton is guilty, he may have been acting independently, and even in his own interests. I told you that if Kutuzova's evidence is to be regarded as being valid it must be remembered that Thornton, according to her evidence, was directly connected with certain circles in England. Recall the nine notebooks which, as Thornton himself testifies, were taken by him to England. Recall all the payments made for wrecking, which went on, not here, and not through Monkhouse, but through Thornton. Remember Thornton's own confession in this respect, and then perhaps you will agree with me that I have every right to suppose that Thornton, if he actually did commit crimes, was acting on his own responsibility, independently, in his own personal interests, because Thornton had interests of his own, if you remember his position in pre-revolutionary Russia.

I say that Monkhouse may have changed his attitude. In 1918 Monkhouse was in the expeditionary force in Archangel. This is a point that counts against him. Since then many years have passed. We are living in times when every year counts as a whole epoch, when every year produces a new language of the epoch. And we know that during these years many of those who fought against the Soviet Government, sword in hand, have now come to pay homage

and have repented of their old crimes.

Monkhouse has been living in Russia for 20 years, approximately nine or ten years in Soviet Russia, and about ten years in tsarist Russia. Monkhouse, an intelligent man, a man with a broad outlook, cannot have failed to see how the face of our land has changed during these years, how the face of the countryside has changed, how our fields have changed in appearance. He cannot have failed to see all that. He could not, of course, have seen that in 1918. Monkhouse has often travelled in the country on business, to the provinces, and during these years he had opportunities of seeing for himself how the face of the land was changing. He has seen that where formerly there was a tavern, there is now a school or hospital, where the muzhiks used to till the soil with wooden ploughs, tractors and mechanical ploughs are now in operation. Where formerly dugouts in which all those who produced all the wealth once lived like moles, palaces of labour and clubs now rise. Where once only small brick factories were standing, giants of industry are now standing. Monkhouse, an intelligent man with a broad outlook, could not but have observed all this. He is not MacDonald who came over from England only recently and does not know the living conditions and mode of life of the pre-revolutionary village. Who knows but what the contrast between the conditions of tsarist Russia and those of Soviet Russia, the superiority of the latter, has not brought about a certain psychological change?

And if he took part in the expeditionary force in Archangel in 1918, it should not be forgotten that he refused to serve under Denikin. If we are right in regarding the former as a point against him, the latter should be counted as a point in his favour. Let us weigh the evidence advanced by the Prosecution against accused Monkhouse from this point of view, leaving aside all that refers to Thornton, his fellow-countryman and business associate.

I will now turn to the Dolgov bribe. Two versions were given here by Monkhouse. One, which he gave during the preliminary investigation, amounted to an admission that he is guilty also of having given bribes. Now he says that this was money given as a loan. Being confronted with two versions, the question naturally arises as to which of them is truer to life, which the more convincing. If I were to be asked which version is truer to life, I should say, the one that Monkhouse gave during the preliminary investigation, and for the following reason: Giving loans without taking receipts,

without the money ever being returned, and to a person for whom you entertain no friendly feelings or family connections – giving loans to a person with whom you have business relations and who receives and decides complaints in connection with the firm's orders, looks very suspicious. I put the question to Monkhouse here: "You yourself said that a receipt should have been taken, but no receipt was taken. You said that the money should have been returned, but it was not returned. In what light would you have viewed this yourself, under these circumstances?" At the preliminary examination it appeared to him in the light of a present. Let it be a present, we shall not quibble about words. But I look upon this present as a bribe. If we admit that this version is possible, the three following facts which establish Monkhouse's attitude towards this bribe must be borne in mind.

The first thing is that the bribe was given when Monkhouse was not in Moscow. Thornton gave it in the absence of Monkhouse. Thus, the latter was faced with an accomplished fact. Second, the money was paid out of Thornton's private account, and third, the money was written off by Monkhouse by order of Richards, his superior.

These facts will enable you, should this version be taken as the correct one, to consider the question of whether this constitutes complicity within the meaning of Article 17 of the Criminal Code, or whether it constitutes failure to report, provided, of course, you do not deem this bribe to have been a counter-revolutionary act. The legal consequences depend upon the legal construction.

In the Court, Monkhouse advanced another version, that of a loan. In support of this he can say but one thing, namely, that the money was put through the books. But when you closely examine these two versions, and when you take into consideration the circumstances under which the money was given, you must be convinced that the more likely version, the one more in harmony with the probabilities of the case, is that which Monkhouse gave during his preliminary examination.

These are the considerations which I wished to put forward in defence of Monkhouse. His case is very complicated; there is strong evidence against him still it is not conclusive. This obliges me, as his counsel, to raise before you the question of the extent to which the actual commission of crime has been proved, and I feel confident that you will answer this question with all the care and circum-

spection that distinguishes our Court. Your reply will reflect the truth that will come to light as a result of our legal arguments and as a result of an examination of all the evidence submitted in the present case.

The President: Comrade Libson, Member of the Collegium of Defence.

Libson: Comrade Judges. We are coming to the end of the list of the accused who are sitting in the dock. But two of them remain to be considered – -engineer Kotlyarevsky and Citizen Kutuzova.

In concluding the round of speeches for the Defence, I should like to preface my plea with a few comments on the general impression produced by the speeches of both the Public Prosecutor and my associates for the Defence.

It now seems as if the entire case and all the arguments advanced by either side fall into two parts. On the one hand we find accused Englishmen, and on the other accused Russians, and it is quite comprehensible and perfectly natural to hear the following idea expressed in the speech of the Public Prosecutor of the Republic. Turning directly to the Defence, he warned us not to imagine that the accused citizens of the U.S.S.R. could hide behind the backs of the English...

The Public Prosecutor warned us – members of the Defence – against this facile method of defence. Nevertheless, associate Counsel for the Defence, in discharging the duties entrusted to them, did subsequently make use of this method. Their speeches were permeated with the argument that we have accused Englishmen in the dock and accused Russians in the dock.

I might even say that this tempting method of defence was not discarded even by the comrades who defended the Englishmen.

For instance, we heard it said from the mouth of Comrade Braude that in defending the Russians my associates went to extremes, that we had made it appear that these Englishmen had in some potent, mystical manner brought pressure to bear upon the Russians, in consequence of which they committed crimes. This, of course, is not so. Nor had Comrade Vyshinsky, the Public Prosecutor, also any reason to warn us that the Russians could not hide behind the backs of the English. He was wrong because he himself made that mistake, he himself concealed the English behind the backs of the Russians. Those associates who defended the Russian engineers and did not disregard the material provided by the acts

committed by the English were right; Counsel who defended the Englishmen and said that ideas of this sort might lead us astray were, of course, wrong. It is incorrect to term us Counsel for the Defence for the Russians. We Soviet Counsel are quite aware that Richards is not Mephistopheles, that Thornton is not Faust and that the Russian engineers are not Marguerites. While bearing this fully in mind, we must also remember that in analysing the evidence before this Court, upon the basis of which the decision of the Supreme Court of the Soviet Union must be rendered – that in analysing this evidence, we must take everything into consideration and have no right to shut our eyes to anything. It is immaterial to us whether a man is an Englishman or of some other nationality: what is important is whether he is an enemy or not. And we shall consider his actions from this point of view alone; we shall examine the significance of his actions.

There is just one other point, Comrade Judges, which I should like to make.

Some of my associates have already broached this subject, and I am afraid that my utterances may seem somewhat trite. Questions were asked as to what influenced the actions of our clients, what impelled them to commit their crimes, and it seems to me that answers must be given to two questions.

The first is: was the influence of Thornton, Monkhouse, MacDonald and others the sole influence at work or was there, perhaps, a certain subjective predisposition on the part of the accused? Perhaps all the factors necessary for the commission of the crimes were in their minds beforehand, perhaps they really are wreckers in their innermost hearts, in their outlook, in their aims and tendencies; why then bring in the English?

And once we put the question this way we must analyse the past, we must analyse these necessary factors. And if we come to the conclusion that they are in thrall to the past, that these people have not lost their old habits of life and that the irrevocable past is still dear to their hearts, then we can understand this criminal outlook and we say that the English are not at the bottom of the crimes committed by the Russians, and the analysis of the actions of these Thorntons, Monkhouses and others cannot be interpreted in the sense of mitigating their fate, on the plea that they were only their allies in their wrecking activities.

But if we analyse the present and search the hearts of our young

Soviet specialists, if we study their lives and see that there are no such prerequisites, then we are compelled to investigate the causes which impelled them to commit these crimes.

And I think, Comrade Judges, that at this point we must consider yet another question of enormous significance and importance.

When we review the past trials of wreckers, and recall the men who were involved in those cases, grey-haired, their faces reflecting deep-rooted convictions, men whose minds had become psychologically congealed, we get a galling and painful picture and one thinks to oneself: this sort of thing must be overcome by other methods. But when we see young men implicated in the present case, it affects us particularly painfully, because these young men, who were brought up under Soviet conditions, are the off-shoot of our Soviet culture; they are especially valuable to us, as is everything that has been created by our new Soviet culture.

That is why in this particular case it is important to analyse all the reasons, all the relevant points, in order to understand how it could come about that these young specialists were implicated in these crimes.

And I think that my client, engineer Kotlyarevsky, will serve as a good illustration for such an analysis. Consider his youth. He is only 29.

He was born in a working-class family. From the documents submitted we know that his father, who is now a chief mechanic at a factory, has been working in industry for 44 years. A working-class atmosphere and a working-class school. And attention should be paid to the fact that the accused did not immediately begin to study in the *Gymnasium* (in 1919-20 there was still a *Gymnasium* there), but first of all studied in a higher elementary school. Accordingly, coming from a poor working-class family, the *Gymnasium* was beyond his means in that little town in the Ukraine, so he attended the *Gymnasium* only after finishing school, only afterwards entering a higher Soviet educational institute.

Thus, we see that there are no social roots, no factors in his family background that could have given rise to anti-Soviet ideas. We see merely working-class, Soviet roots.

He finished the Polytechnical Institute and became a Soviet engineer. Well, perhaps his fate was such that he turned out a failure? Did he find life difficult and become embittered? No, we find nothing like this. He immediately went to work at Shterovka, and judging by the

reports of his work, it seems that he immediately won the repute of being a well-trained engineer. Between 1927 and 1931, beginning on the first rung of the ladder he rose to the position of manager of the engine room. Therefore this man was advancing and consequently could not have become embittered or disgruntled with the Soviet Government. He made just a little slip in connection with an inundation. An investigation was begun and he had to sign a pledge not to leave town. The whole affair ended in his complete vindication and he lost nothing. He then takes up work at what for him was the unlucky Zuevka Station, again as a responsible engineer.

Thus, Comrade Judges, we see how even later he progressed in his career as a Soviet specialist and engineer. We see that there is no predisposition, no factors that could turn him against the Soviet Government.

Let us look further. When he arrived at Zuevka the installation work was finished. This point should be noted. Accordingly the whole installation period passed without Kotlyarevsky, as engineer, having had anything whatever to do with the acts of diversion that occurred in connection with the installation work. He arrived in November: until February he worked in peace. When he arrived in Zuevka he found a large group of English engineers already there. You will remember them: they were MacDonald, Cork, Elliott, Wilcott, Hague. Here also Vassiliev and Fomichev were working.

From November to February there is nothing that could cast a slur on him. Then the moment arrived that brought such tragic consequences in its train. You will remember how he related in the preliminary examination and confirmed here that he became acquainted with MacDonald, likewise 29 years old and also a young engineer. The two became closely acquainted. They first came in contact with each other through their work; then a personal friendship developed which became very close; he began to visit MacDonald in his apartment, and MacDonald confirms that Kotlyarevsky is speaking the truth. The noose was tied which subsequently was to ensnare him. He accepted a loan of 500 rubles.

And here, Comrade Judges, we come to the point which, in my opinion, makes it essential to dwell on the question as to whether the steps taken by engineer Kotlyarevsky were really perfectly conscious ones for the purpose of meeting MacDonald, the wrecker, halfway, or whether all this happened because Kotlyarevsky was placed in a helpless psychological position, owing to which he suc-

cumbed and committed the crime which he has frankly admitted.

I would draw your attention, Comrade Judges, to the instance in the preliminary examination where he relates that he received the loan of 500 rubles, that it was lent to him in a comradely manner; but that, when the money was already in Kotlyarevsky's pocket, he was approached a few days later with the "innocent" request to obtain a blueprint. He promises to do that. And then, when he brings the blueprints and hands them over, he is given, without his asking for it, a second sum of 500 rubles. What was that? When, as he says, he began to refuse to accept this money, then this good comrade, the pleasant, kind British engineer MacDonald, with whom so many evenings had been spent at Zuevka in listening to the gramophone and drinking tea, became transformed, became cold and harsh, and declared: "You realize the sort of documents you gave me; that is what you were given money for."

Kotlyarevsky already owes 500 rubles, and they begin to blackmail him. He gives way, he takes the money and carries out the foul work which he has described to you in so much detail. The blackmailing tactics, which, irrespective of whether MacDonald was a German, an Englishman, a Russian or a Jew, is an old well-known and well-tried method. Through this kind of blackmail – by which one is given a loan and is put under the obligation to perform what at first sight seems to be some slight service, and then is induced to take more money – one is forced to traverse the whole road and finds himself in the tragic position from which Kotlyarevsky was not strong enough to extricate himself.

Of course, it would have been possible to do a very simple thing; it would have been possible to do in this case as Dolgov did – go to the O.G.P.U. and frankly lay the situation before them. Kotlyarevsky was not strong enough to do that, he was not able to do it, he exhibited weakness. That was the beginning, and the consequences we have in his criminal acts; but do they prove that Kotlyarevsky has fallen so low that it actually cannot be said that there is any hope of his ever returning to the honest family of the working class? I do not think that such is the case.

Let us look into the later dates, the later actions. That was in February, then April, May, June – the period of the breakdowns. What does he admit? He admits, first, that he did not protest actively against the false explanations given as to the causes of the breakdowns and second, that he deliberately threw a bolt into a turbine.

That was in April-May-June. In July, Kotlyarevsky ran away from the awful place – he was not dismissed, he ran away. He went on his vacation and did not want to return, did not want to return to the awful mire where he had lost his honour, where he had fallen into such terrible clutches. That was in July 1932, when nothing gave him any reason to suppose that the crimes were already being discovered; everything was quiet. He left the scene of these crimes himself, and went to work at Orgenergo. After that he went to Kazan, where he worked honestly until his arrest.

Comrade Judges, I must anticipate the objections which may be offered to my arguments. Had Kotlyarevsky joined that criminal organization, had Kotlyarevsky lost himself completely, had he considered that he had broken once and for all with our Soviet interests, that he had sold himself to persons engaged in acts of diversion, he, of course, would not have gone to Orgenergo to work, he would not have gone to Kazan, but would have gone where they would have sent him, where they are working. Yet we see that Kotlyarevsky worked where not a single one of these persons, engaged in acts of diversion and now in the dock, was working,

Thus, Comrade Judges, in my opinion we can consider it proved, first, that there is nothing in the past of my client, Kotlyarevsky, which can cause it to be said that this man has carried the poison in him from his past, and that therefore there can be no hope of his being able to correct himself; second, the fact that for a short period of time, under pressure of blackmail, he joined in and committed criminal acts, of which he has sincerely repented, and, third, that he himself quite voluntarily fled from the awful place, because it lay heavy upon his conscience and because he did not want to be one who commits acts of diversion.

I take it, Comrade Judges, that you will bring in the verdict in Kotlyarevsky's case on the basis of these three factors.

Comrades! Our whole life in the Soviet Union is governed by socialist construction. All our architects, all our bricklayers, who are taking part in this work of construction, examine the bricks that are to be used for these new buildings very carefully and see that they are not cracked. If bricks are cracked they do not use them for the foundations, they do not use them for the facades, they put them aside in order to use them in other parts of the building, and this cracked brick, firmly held together with cement, will be useful in our work of construction.

And I am sure that this crack in Kotlyarevsky is only a temporary one, and that you as architects and builders will not fling him aside, but put him carefully aside.

I have still to speak in defence of my second client, Kutuzova. Here too I must commence by replying to my respected comrade, the Public Prosecutor. I cannot in the least understand his description of Kutuzova as a frivolous young lady who takes joy rides in an automobile from Perlovka to the Moscow office; nor can I agree with him when he says that everything that passed in this Court and at the preliminary investigation depicts her as a person who, because of her frivolous tastes, went to work at a place where she could get enough money to clothe herself better, to feed better, where conditions would be more comfortable.

And here, too, Comrade Judges, I ask you to bear in mind certain features in the life of Kutuzova. I think that the material which we have at our disposal depicts an altogether different person. She has been working for her living for twenty years. You know that she comes from a working-class family. She first started work as a teacher, learned French, German and English, continued at work all the time, and we know that her work was highly appreciated. We see that not a single year of her life passed without working. From small beginnings, she achieves big things. Beginning as a typist at Volkhovstroy she becomes secretary to the chief engineer, Graftio, and when the work at Volkhovstroy comes to an end, her reputation as a worker is so well established that when Metro-Vickers requires a secretary for the principal director of the firm, she, evidently on the recommendation of Graftio and other employees, and also on the personal observations made by Monkhouse and Thornton, because they had worked there for a number of years with her, is invited to take the position. It seems to me that it would be wrong to try to make it appear that Kutuzova passed her time as secretary to Metro-Vickers' chief engineers mainly in enjoying the comforts of her job, and in observing acts of diversion. She had an enormous amount of work to do in a big firm, whose employees were scattered over a number of power stations – at Zuevka, at Shterovka, at Chelyabinsk and Baku. She was at general headquarters, which linked up all the threads, which sent out all the orders to hundreds of workers, and, as a matter of fact, she was office manager. She carried on all the correspondence and played a really big part in the office as a Russian employee. But more than that, she lived in the

same house with these Englishmen. They had a big house and, of course, as secretary, she managed the house also. That is my impression of Kutuzova. She is a business woman who is really capable of doing important work, and did actually do such work.

And when it is asked here, why was Kutuzova connected with the work of a foreign firm, it seems to me that this is a superfluous question. Since she had worked for a long time at the Treugolnik Factory and she knew French, German and English, since she had come in contact with the Englishmen at Volkhovstroy and, since, on account of her knowledge of languages, she obviously was bound to come in contact with these foreigners, it is therefore quite logical and normal that she should go to work for Metro-Vickers when she was invited to do so.

I think, Comrade Judges, that my client Kutuzova's position as a worker raises no doubt whatever, and now we have only to put two questions in connection with Kutuzova's case and to answer them.

First question: does Anna Sergeyevna Kutuzova speak the truth in her depositions when she tells us, as she put it, what she heard with her ears and saw with her eyes. Quite naturally, my colleagues in the Defence regard Kutuzova's depositions as a denunciation because Kutuzova is one of the accused and not a witness, and, therefore, they strongly object to your believing what she has said.

For example, Counsel for Defence Kommodov, who last spoke, pointed to contradictions in Kutuzova's depositions and drew the conclusion from these contradictions that she is not to be believed. Comrade Kommodov quoted to you parts of her depositions in order to corroborate his views. But he did not finish what he was going to say, either because he forgot, or because it was necessary for him to forget, the other parts of her depositions – about Dolgov's 3,000 rubles, which Kutuzova mentioned, and which is an indisputable fact; about MacDonald, who was always there, and who was the central figure in all these acts of diversion, and, finally, about the parcel that was sent to Gussev, about which also there can be no doubt whatever. These, Comrade Judges, are facts. I deal with this unimportant question only because attempts are being made here to say that Kutuzova is not to be believed, that she is not speaking the truth. But if you are not to believe her, if she is capable of telling lies, then perhaps you will not believe that part of her depositions which is extremely important for me as her Counsel for Defence

because it gives rise to the second question, the principal question, namely: why didn't Kutuzova, a Soviet citizen, who, from 1927 to 1932-33 lived with these Englishmen and observed all that about which she afterwards told, speak out before?

We know all the material in this case. We remember very well all that Kutuzova said at the preliminary investigation, all that she stated here about her intimate friendship with Monkhouse and intimate friendship with Thornton having created psychologically complicated relations. After all, this is not a slight matter: she was connected with these people for a number of years; and all this, to a certain degree, psychologically put her under an obligation to them and, consequently, it was very difficult for her to decide to take this step.

Perhaps those comrades who spoke about the specific psychological condition peculiar to her as a woman are right. Perhaps this psychology does play a part in this to some extent. That is so. And you, Comrade Judges, will take all this into consideration. But for me, as Kutuzova's Counsel for Defence, the following is very important: she is telling you the truth and when she was asked about it, she told everything without concealing anything.

And it is also important in regard to Kutuzova that the following facts, concerning which I also beg to differ from the representative of the State Prosecution, are established.

She is charged with being an active accomplice, and the actions to which she confessed must be interpreted as direct and active complicity.

But what are the facts? See how harshly this is formulated in the indictment. Here it says that she systematically sent and handed over money, and so forth. But what facts have we now, after all this has already been gone into in the course of the judicial investigation? The parcel under a fictitious name – Ivanova – was sent to Gussev. It contained a bribe. As we know quite definitely now, the parcel was connected with Gussev's acts of diversion. But we only learned this here! How many parcels passed through her hands?

Of course, she knew that this was an illegal parcel because MacDonald told her to send it under a fictitious name. Of course she knew, but can this fact of her having sent this parcel be regarded as active complicity in wrecking acts? I challenge anyone to bring any facts from which it would be possible to draw the conclusion that she not only knew about, but also facilitated, actively facilitated, a

single act of diversion! Did she have any direct connection whatever with persons who played the direct role of diversionists and spies who passed before us? No, Comrade Judges, not a single fact of that kind can be produced.

When my client, Kutuzova, made her depositions, she formulated them in such a way as to say that she was an accomplice, and at the same time she added that she did not report this. But I, as her counsel, cannot agree to the legal formulation she involuntarily gives in expounding the facts. She frankly tells all that she has seen and heard and observed, and says that she could not find the courage to report about this before. She tells of the mental agony she experienced, and how she appealed to Thornton and the others not to drag her into this business. We must give a perfectly precise juridical formulation, because you have to judge according to a definite article of the law, because you will have to decide the measure of social defence to be applied to her.

And I urge, Comrade Judges, that there is no complicity in Kutuzova's actions. There is not that which is referred to in the indictment. All that there is, is failure to report within the meaning of Article 58-12, because there is absolutely not a single fact to prove active participation, to prove her direct complicity. This is typical failure to report, which is also liable to a definite penalty for the crime formulated as: failure to report authentically known, counter-revolutionary crimes.

And my request to you, Comrade Judges, is that when you decide the fate of Kutuzova, when you discuss the question of Article 58-12, and when you, in the light of Article-58-12, discuss the penalty to be inflicted upon her, that you do not forget the tragic position she was in throughout this long period when, as one who had failed to report, and only as such, she carried this fearful secret in her breast, when she was entangled in this psychological net which she was not strong enough to break. You will, of course, understand the terrible agony and punishment that she has already had to bear, and with this in mind, permit her to return to the life of a toiler.

In concluding my defence, Comrade Judges, permit me to express one more thought.

Many of the accused now in the dock have sincerely confessed their deeds. The stories they tell combine to make a picture of fearful crime. But, Comrade Judges, can we forget that this is the year 1933? Monkhouse came to Russia and lived here a long time, right

up to 1933, and apparently forgot that the Moscow of 1933 is not the Archangel of 1919 and 1920. But we, in 1933, remember that all these crimes, with which Gussev, Lobanov, Kotlyarevsky and MacDonald are charged, were committed five years ago, in 1928 and 1929. Now that we have achieved such enormous progress, now that we are becoming stronger year after year and, as Comrade the Public Prosecutor has said, we are not frightened by acts of diversion, we have the right and opportunity, severe as the law of March 14 may be in demanding an especially severe approach to the question of the responsibility of State employees, to raise the question of life or death in reply to the actions of these diversionists.

We have the legend in the beginning of Russian history that our forefathers appealed to the Varangians and said: "Great is our land and abundant, come unto us and possess us." Much water has flowed beneath the bridges since then, and the Russian people has passed through many hardships. It has known the yoke of the Tartar, it has known the German rod, it has known other influences with the aid of which the tsars have maintained their throne. But all these collapsed, and today, in 1933, our land is greater and more abundant, but we do not invite anyone to come in and possess us. We do not need Varangians, and the sadly disappointed Varangians stand on our frontiers, the Varangians who today feel unemployed in history and who gaze with envy upon our oil derricks, our belching factory chimneys that spring up every day, our mighty electric power stations which throw new sheaves of electric light upon our developing Soviet construction. And the hearts of the Varangians grow sad as they see the armed Red Army man on our frontiers. The Varangians look with hatred upon our O.G.P.U., but the latter stands firmly and prevents the enemy from entering, and if anybody does manage to sneak through, he is caught by the ear and dragged into the light. Every act of diversion, every attack, every attempt at attack, is impotent and only causes irritation.

We remain firmly convinced that ours is a great cause. And abroad, the best minds, the purest hearts, like Romain Rolland, Bernard Shaw, and others numbering hundreds and thousands – all the workers – are with us. They believe in our great cause. It is only upon them that we rely; only to them who really understand us do we look; only those who are with us are important for us.

And therefore, Comrade Judges, with the profound conviction that we are engaged in a great cause, with the profound conviction

that we will achieve victory in this great cause, that we are strong and indomitable, I ask you, in face of the stern law, to ask yourselves the question – shall it be life or death? And I, as Counsel for Defence, ask that your reply shall not be death.

The President: Does the Prosecution desire to take advantage of its right to reply?

Vyshinsky: No, there is no need for it.

The President: We will now hear the final pleas.

Accused Gussev, do you desire to make a final plea?

Gussev: Yes.

Citizen Judges, I have related to you the crimes I have committed. Here in this Court I once again keenly live through the heinousness of these crimes. I ask the Court to believe the sincerity of my confession and repentance and to enable me, by honest, really honest work in the future, to expiate my crimes and repair the damage I have caused the State.

I give my word that I will devote the rest of my life to honest labour that will be directed towards atoning for the evil that I have caused.

The President: Accused Sokolov?

Sokolov: I have fully admitted the seriousness of all the crimes I have committed. Both at the preliminary examination and at this trial I have again lived through the horror of it. I promise that if I am given the opportunity, I will rectify my mistakes and, by honest labour for the benefit of our socialist fatherland, prove my loyalty to the working class and atone for my crimes for the rest of my life, if my life be spared.

The President: Accused MacDonald?

MacDonald: I plead guilty and I have nothing more to add.

The President: Accused Zivert, do you desire to make a final plea?

Zivert: Citizen Judges. I related to you here how I, a worker, committed crimes against my class. But, as you know, at the time Thornton was at the University in London, I was a shepherd. I want, by honest labour, to expiate my crime. I feel that I have killed my family and have killed myself, and this is a very bitter experience for me. I hope that the Court will give me the opportunity of atoning for my crime.

The President: Accused Kotlyarevsky, do you desire to make a final plea.

Kotlyarevsky: Citizen Judges. The crimes that I have committed are very severe. I have related all that I have done. I deeply repent my crimes. I ask the Court to give me the opportunity by honest labour to expiate these crimes, and if this opportunity is given me, I promise to devote all my efforts and all my knowledge to this task.

The President: Accused Cushny, do you desire to make a final plea?

Cushny: I want to speak in English.

The President: You may.

Cushny: After hearing the very able defence put up by my Counsel today, there is really very little left for me to say. He has torn to shreds the flimsy fabric put up by the Public Prosecutor. I have said all through that I am not guilty. There has not been a shred of real evidence brought forward against me. And whatever the verdict, I shall leave this court an honest man as I came in.

The President: Accused Lobanov, do you desire to make a final plea?

Lobanov: Citizen Judges, both at the preliminary investigation and here at this trial, I tried in the greatest possible detail to show the severity of all the crimes I have committed and also told you about my life. I do not wish to say any more about that. My only request to the Court is – give me the opportunity to reform and to devote the rest of my life to the great work of construction, to the great aims and tasks of the great proletarian State, and to the cause of building up socialism.

I give my word that if this opportunity is given me, I will devote the rest of my life, as far as my health will permit, to the great tasks which the Soviet State has undertaken. I would ask that you take into consideration the environment which imbued me with certain bad inclinations, and also the fact that I am still young, that I am a criminal who can still be reclaimed.

The President: Be seated. Accused Nordwall?

Nordwall: I wish to speak in English.

The President: You may.

Nordwall: It has been very painful to me to listen to the Public Prosecutor's speech. I am a man that takes interest only in his work and I always do my utmost. I have always supported the interests of the Soviet building plan and have done every possible thing to help them. My private life in Russia has been purely in connection with my own family and living among the Russian people. After the evi-

dence I have heard in this Court against me and after the fairness I received in the G.P.U. after I have been arrested, and as I said before, I have always been a friend of the Soviet Union, and I think this Court has documentary evidence to this effect. I feel sure that after the evidence put before you, the Judge and the jury can only pass one verdict, that is, not guilty. And at this moment I am still a friend of the Soviet Union and I am not afraid to say so even in front of all the press.

The President: Accused Lebedev?

Lebedev: Citizen Judges. I admit my very serious guilt and promise the Supreme Court that if the Court gives me the opportunity, I will atone for my crime.

The President: Accused Thornton?

Thornton: At the beginning of this trial I pleaded not guilty. And I still plead not guilty. I assert that the evidence brought against me are unreliable. That is all I have to say.

The President: Accused Zorin?

Zorin: Citizen Judges, in passing sentence upon me I would ask you to take into consideration the circumstance that at the first examination I fully admitted my guilt, and I would ask you further to take into consideration that if I am given the opportunity, I can still be of service to the Soviet Union in the building of socialism.

The President: Accused Sukhoruchkin?

Sukhoruchkin: I fully admit the gravity of the crimes I have committed. Both at the preliminary examination and here in Court, I sincerely repented and this enables me to ask the Court to give me the opportunity of utilizing my experience and knowledge to atone for my guilt and become an honest Soviet citizen.

The President: Accused Monkhouse?

Monkhouse: In addition to the severe charges which are on the charge sheet against me, in the course of yesterday's summing up by the Public Prosecutor, he added another which I regard as a very serious charge, maybe unofficial, but he added a very serious charge, inasmuch that he accused me of deliberately deceiving the British Government in the communication which I made when I was released from Lubyanka. That is a very unfair statement to me. Because I have made no statements at all which are in adverseness to facts, except the difference in the time, which I can explain, is due to the fact that apparently I was given special consideration when I was in prison. For the conditions I must thank you, but they

misled me. Because on the walls of my cell there is a notice about the times meals are served and other regulations observed. That was my only means of judging the time. The Public Prosecutor also accuses me of giving the wrong information as to the number of people who examined me. I stated I was examined by three men. And I still state that. And I can name the men. It is not necessary, I assume. He also stated that time was given me for meals. That those meals were excellent meals brought in from the outside, that is true, but I was not left alone at the meals, and one of the chief men of the Examining Department had his meal with me. And I cannot be persuaded that the conversation which took place was not part of my examination. I only wish to make those remarks because I very much disliked the insinuation that I deceived the representative of His Majesty's Government.

Now, in reference to the charges which are made against me on the sheet; the first charge is that of spying. And the only serious evidence that I can see against me, accusing me of spying, is a document which has been referred to here as number 26, which was signed by Mr. Thornton. And I would like to say that I have known Mr. Thornton for 22 years, and I am perfectly certain that he could not sign a document like that voluntarily. That document contains the names of 27 people all of whom are accused by him of being in a spying organization. One of those men has confessed in this Court that he is associated with Mr. Thornton. Four have not. And I am perfectly certain that the remaining 22 would also not. So that not in any Court of Law, I think I am right in saying it, would it be held as a proof.

Finally, with regard to the charge of spying, I deny having done any spying whatever. I understand spying as a collecting of secret and State information; that I have not done.

The second charge against me is of wrecking. In implicating this charge the Public Prosecutor surprised me very much in taking up the attitude that the interests of my Company and of the Soviet Government are opposed to each other. That is not so and cannot be so. I would ask the Court to remember that the Soviet Government at the present time owes our Company 15,000,000 gold rubles – one and a half million English pounds – and our Company had hoped to get more orders.

The President: This question does not concern the Court. We are not examining a civil action.

Monkhouse: I wish to say, Sir – The conclusion that I wish to make, Sir, is that it would be cutting our own throats to engage in any wrecking activities which would destroy or lessen the capacity to pay of the Soviet Union. I have been very proud in the last eight years to take part in the enormous development which is the electrification of this country. I have been proud and very proud to be associated with such men as the present head of Glavelektro and Glavenergprom and other similar Institutions. And it has always been; and I have done everything I possibly could to help in the work. And in doing so I have taken a natural pride in being associated with it. Therefore, it is to me quite ununderstandable, how it can be brought against me that I am associated with wrecking that work.

Engineers, when they build works of this kind, they look upon them as their own children. And I know of no parents who would put a dagger into the heart of their own child.

The third charge against me is of bribery. I have never given a bribe myself in my life. And I will not give a bribe. The Public Prosecutor yesterday made another reference which I would like to refer to. He said that the Moscow Bureau of our Company had a bad tradition when I took it over. That is quite incorrect, because there was no Moscow office when I was made manager here. And all my office books have already been to the Public Prosecutor. All of my private diaries for the last nine years have been examined by the O.G.P.U., all my expense accounts, my personal and private expense accounts for the last eight years, have all been in the hands of the G.P.U. And because nothing had been said to me, they have not found one figure that indicates any form of bribery. I was very much shocked by the charge of bribery because it is against my principles.

I have nothing whatever to add except that I stand before you, Sir, absolutely innocent of the charges brought against me.

The President: Accused Krasheninnikov?

Krasheninnikov: I am making this final plea not in order to try and justify myself before the proletarian Court, but in order to ask the Court to take into consideration the fact that I abandoned wrecking operations as early as 1932. That is why at my very first examination by the investigating bodies of the O.G.P.U., I admitted my grave crimes and completely disarmed myself politically there, and I completely disarmed myself politically here.

The President: Accused Oleinik?

Oleinik: On the very first day of my arrest I admitted all the crimes that I committed and I also appreciate my guilt. I repeated this during the investigation and I say it now. I have thought a great deal since that time. I have thought more since my arrest than I have done for the past fifteen years. Much that was not clear to me before presents itself to me now in a different light. Now, I can see things differently and, for that reason, my attitude towards things has changed.

I have been working for forty years. I commenced work when I was eleven years old and, except for a short interval of time, I can say that I worked honestly; it is only recently that I turned to the path of crime.

To be given the opportunity to work again – that is all I want. I do not dream of anything else. Work – that is all I want. I do not dream of anything else. Work – that is the only aim and consolation of my life.

The President: Accused Gregory?

Gregory: The Public Prosecutor having withdrawn the charges against me, I have nothing to say.

The President: Accused Kutuzova?

Kutuzova: Citizen Judges, I come from a working-class family and from the age of sixteen and a half I have lived exclusively on my own earnings, which were always sufficient, not only to maintain myself but also to assist my numerous relations.

I have been working for twenty years, and of these twenty years I have been in State service for ten years. Among other places, I have worked at Svirstroy and Volkhovstroy, where I was the only woman employee who received a special salary for my honest and conscientious work:

But irrespective of my material position, I never sold myself to anybody. Anna Sergeyevna Kutuzova cannot be bought. Everybody knows this, and nobody has even tried to do this, least of all for perfumes, for face powder, and face cream, a fact which Citizen the Public Prosecutor of the Supreme Court erroneously attributed to me yesterday. Even when I was in State service I had perfumes and powder, and I do not intend in the future to give up these accessories of life.

I will add also that when I worked at Volkhovstroy I also rode on upholstered seats, not in a Buick, but in a Packard.

Citizen the Public Prosecutor also held it against me that I had a special desire to go to work for a British firm. He is right. I did really have that desire. But this desire arose from the fact that I had become worn out and physically weary as a result of hard, daily, evening and sometimes night work at Volkhovstroy, and I wanted to rest somewhat. And why did I select an English firm? That is quite understandable: because at that time I was acquainted only with representatives of the English firm, and moreover, the German and the French nations were not to my liking.

But in entering the service of the Metro-Vickers agency I continued to work honestly and conscientiously, and no one who knows me would dare to throw up to my face that I did not do my part in fulfilling the first Five-Year Plan. I will be bold enough and even audacious enough to tell the Court and the investigators that perhaps I have done more than many Russian citizens who flaunt the label of State employee.

I never have been and never will be an enemy of the Soviet Government, but I know that my guilt is great and it, too, can be explained. As I have already told the Court, of the six years I have worked for Metro-Vickers, four years I lived almost inseparably and intimately in an English environment and imbibed all their habits and their views about our country. But I had no other way out, as I have already said. Simply because I worked for a foreign firm, many of my former friends turned away from me. And the two or three persons whom I had to meet also feared me and probably did not sleep at night after I left them and perhaps lit candles to Saint Seraphim to guard them from the visits of this sinister Anna Sergeyevna.

Such has been my life. And that is why I did really become very intimate with the Englishmen; as a consequence of this friendship, I committed a great mistake, namely I gave my word never to reveal to anyone the work of the spying, diversional group which has been discussed at this trial and for which I now find myself in the dock.

I do not even take credit for what Citizen the Public Prosecutor gives me credit for, that I at the first examination on the day after my arrest, honestly told what I knew about this case. That is not a very great service. I realize that my guilt still remains very grave, that I crossed the bounds of civic duty. I plead guilty, but I place my hope in the justice of the proletarian Court.

The President: The Court will now retire to consider the verdict.

(At 3.35 p.m. the Court adjourns until 1 a.m., April 19, 1933)

[Signed] V, V. ULRICH
President of the Special Session of the
Supreme Court of the U.S.S.R.

A. F. KOSTYUSHKO
Secretary

NIGHT SESSION, APRIL 18-19, 1933, 1 a.m.

Commandant: Please rise. The Court is coming.

The President: The Verdict of the Special Session of the Supreme Court of the U.S.S.R. is to be pronounced.

VERDICT

In the name of the Union of Soviet Socialist Republics.

The Special Session of the Supreme Court of the U.S.S.R. consisting of:

President – Ulrich, V. V.

Members of the Court – Martens, L. K.; Dmitriev, G. A.

Member of the Court in Reserve – Zelikov, A. V.

Secretary – Kostyushko, A.F.

For the State Prosecution, the Public Prosecutor of the R.S.F.S.R. *Vyshinsky, A. J.*, and Assistant Public Prosecutor of the R.S.F.S.R., *Roginsky, G. K.*

For the Defence – Members of the Moscow Collegium of Defence: Braude, I. D.; Smirnov, A. A.; Kommodov, N. V.; Lidov, P. P.; Dolmatovsky, A. M.; Schwartz, L. G.; Pines, I. G.; Kaznacheyev, S. K.; Libson, I. N.; in open sessions of the Court held on April 12, 13, 14, 15, 16, 17 and 18, in the year 1933, examined the case of:

1. *Gussev, Vassily Alexeyevich*; 35 years of age; born in the city of Penza; single; higher technical education; State employee; not previously convicted; formerly chief of the Zlatoust Power Station; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

2. *Gregory, Albert William*; 52 years of age; born in England; married; higher technical education; British subject; installation engineer employed by the British firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-6 and 58-11 of the Criminal Code of the R.S.F.S.R.

3. *Zivert, Yuri Ivanovich*; 50 years of age; State employee; born in the former Courland Gubernia; a fitter; elementary education; no previous convictions; foreman of installations of transformers and oil switches at the Ivanovo State District Power Station; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

4. *Zorin, Nikolai Grigorievich*; 59 years of age; born in the city

of Moscow; higher education; mechanical engineer; married; not previously convicted; State employee; formerly chief engineer of the thermo-dynamic group at the Mosenergo; charged with committing crimes coming under Articles 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R.

5. *Krashennnikov, Michael Dmitrievich*; 35 years of age; born in the village of Novoye in the former Vladimir Gubernia; higher education; State employee; electrical engineer; married; not previously convicted; formerly chief of the installation and repair department of the First Moscow Power Station; charged with committing crimes coming under Articles 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R.

6. *Kotlyarevsky, Moisei Lvovich*; 29 years of age; born in Bobrinetz, Zinovievsk District; higher education; State employee; mechanical engineer; not previously convicted; married; formerly manager of the turbine department of the Zuevka State Power Station; charged with committing crimes coming under Articles 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R.

7. *Kutuzova, Anna Sergeyevna*; 37 years of age; born in the city of Leningrad; secondary education; not previously convicted; formerly secretary to the representative of the foreign firm of Metropolitan-Vickers in the U.S.S.R.; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R. .

8. *Cushny, John*; 35 years of age; born in Johannesburg, South Africa; shareholder in the British firm Metropolitan-Vickers; British subject; higher education; ex-officer of the British Army; installation engineer employed by the British firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

9. *Lebedev, Vyacheslav Petrovich*; 52 years of age; State employee, born in the city of Ivanovo-Voznesensk; secondary education; ex-sergeant-major in the tsarist army; married; formerly foreman at the Ivanovo State District Power Station; charged with committing crimes coming under Articles 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

10. *Lobanov, Alexander Timofeyevich*; 35 years of age; State employee; born in the former Vladimir Gubernia, in the village of Staropashennaya; son of a factory owner; higher technical education; married; not previously convicted; formerly chief of the oper-

ating department of the Ivanovo State District Power Station; charged with committing crimes coming under Articles 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

11. *MacDonald, William Lionel*; 29 years of age; born in London; son of an engineer; higher technical education; British subject; single; installation engineer; employed by the British firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

12. *Monkhouse, Allan*; 46 years of age; born in Stratford, New Zealand; son of a farmer; ex-captain of engineers in the British Army; higher technical education; married; British subject; worked in the U.S.S.R. as representative of the British firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

13. *Nordwall, Charles*; 31 years of age; born in Berlin; son of an engineer; higher technical education; married; British subject; installation engineer employed by the British firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-7, 58-9, and 58-11 of the Criminal Code of the R.S.F.S.R.

14. *Oleinik, Peter Yeremeyevich*; 52 years of age; born on the Perekrestovschitsa farm, former Poltava Gubernia; secondary education; married; not previously convicted; chief mechanic employed by the firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-6, 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R.

15. *Sokolov, Vassily Andreyevich*; 33 years of age; State employee; born in the village of Aksino, Birsik district, Bashkir Autonomous Soviet Socialist Republic; son of a handicraftsman; secondary technical education; electro-technician; married; not previously convicted; formerly assistant chief of the power station of the Zlatoust works; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

16. *Sukhoruchkin, Leonid Alexeyevich*; 39 years of age; State employee; born in the village of Novo Pavloskaya, North Caucasus; son of a merchant; higher education; electrical engineer; married; not previously convicted; chief of the operating department of the First Moscow Power Station; charged with crimes coming under Articles 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

17. *Thornton, Leslie Charles*; 45 years of age; born in Lenin-grad; son of a factory owner; British subject; married; higher education; not previously convicted; chief installation engineer employed by the British firm of Metropolitan-Vickers; charged with committing crimes coming under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

On the basis of the preliminary and the judicial investigations, the Special Session of the Supreme Court of the U.S.S.R. established the following:

For a number of years, systematic breakdowns occurred on boilers, motors, turbines, generators, etc. at large power stations of the U.S.S.R. – at power stations belonging to the Mosenergo, Zlatoust, Chelyabinsk, Ivanovo, Baku and other groups – which put them out of action for more or less prolonged periods and reduced the capacity of the power stations.

A Commission of Technical Experts, set up during the course of the preliminary investigation and called to give evidence before the Court, came to the conclusion on the basis of the materials submitted to it that in all the cases of breakdowns investigated, there was evidence either of criminal negligence or of deliberate wrecking on the part of the technical personnel employed at the above-mentioned power stations.

On the basis of the materials of the judicial investigation that came before the Court, the Court finds that the cause of the afore-said breakdowns was the wrecking activities of counter-revolutionary groups consisting of State employees employed at these power stations, the majority of them belonging to the senior technical staffs, acting in complicity with certain employees of the British private firm of Metropolitan-Vickers, which is operating in the U.S.S.R. on the basis of a technical aid agreement with the People's Commissariat of Heavy Industry.

I.

1. Chief of the electric power station, State employee *Gussev, V. A.*, ex-volunteer in the Kolchak army, having set himself the aim of causing damage to the State industries and defence capacity of the U.S.S.R., in complicity with his assistant, State employee *Sokolov, V. A.*, and with a number of other persons whose cases are being separately dealt with, committed the following:

a. Systematically, in the period from 1931 to 1932, put out of action the 1,400 h.p. motor which drove the large-shape mill of the rolling shop of the Zlatoust Metallurgical Works, in particular, by inserting a piece of iron in the air gap for the purpose of stopping the output of shells and shell billets. As a result of one of these breakdowns the shell shop was stopped for six weeks;

b. At the end of 1931, he froze boiler No. 8 for the purpose of weakening the boiler system of the power station;

c. At the end of the same year 1931, he put out of action coal conveyor No. 1 by inserting metal objects in the gear drive, as a result of which the gear drive and the foundations were broken. After that, on *Gussev's* orders, the whole coal conveyor was dismantled and was thus put out of action for eighteen months until *Gussev's* arrest;

d. Deliberately and with wrecking intent delayed the installation of boilers Nos. 1, 2 and 11 for long periods.

As a result of the criminal activities of *Gussev*, the capacity of the power station was reduced by half, from 12,000 to 6,000 kw.

2. At the same time, *Gussev* and *Sokolov* prepared a number of breakdowns that were intended to put the power station out of action and to deprive the Zlatoust works of power at the moment of a military attack against the U.S.S.R. which the wreckers expected.

3. The criminal acts of *Gussev* and *Sokolov* were committed in agreement with the employee of the British firm of Metropolitan-Vickers, installation engineer *MacDonald, W. L.*, who took part in drawing up wrecking plans.

4. In addition to the above, on the instructions of the aforesaid *MacDonald*, *Gussev* and *Sokolov*, directly and through other persons, collected for and communicated to *MacDonald*, to the detriment of the U.S.S.R., secret information of military State importance referring to:

- a. the work of the munitions shops of the Zlatoust Works;
- b. the production of shells and the type of shells produced;
- c. the production of high-grade steel for military purposes, and
- d. the mobilization plans of the power station and of the Zlatoust Works.

5. As a reward for committing these criminal acts, *Gussev* and *Sokolov* received bribes from *MacDonald*. *Gussev* received various sums at various times amounting in all to 2,500 rubles, and *Sokolov* received 1,000 rubles.

6. The criminal acts of *MacDonald* were committed with the knowledge and on the instructions of the British subject and chief installation engineer of the Moscow office of Metropolitan-Vickers, *Thornton, L. C.*, with whom, as well as with *MacDonald*, *Gussev* personally discussed the wrecking plans at meetings in Zlatoust in 1931 and at Khartsisk Station in 1932. At these meetings, *Gussev* communicated to *Thornton* secret information of military State importance.

The criminal acts of *Gussev*, *Sokolov* and *MacDonald* come under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R. The criminal acts of *Thornton* are qualified below.

II.

The principal wrecker at the Zuevka Power Station was the manager of the turbine department of the station, State employee *Kotlyarevsky, M. L.*, who, with intention of causing damage to the industrial power of the U.S.S.R., caused breakdowns, in June 1932, to turbo-generator No. 3 by inserting a bolt in the generator, and in complicity with *Vassiliev*, subsequently deceased, organized the breakdown of the oil pumps of turbines Nos. 1 and 3, by deliberately causing these pumps to be clogged with dirt.

These wrecking acts were committed by *Kotlyarevsky* in complicity with the aforesaid *MacDonald* from whom, as a reward for these criminal acts, *Kotlyarevsky* received a bribe of 1,000 rubles.

The criminal acts of *Kotlyarevsky* come under Articles 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

III.

At the Ivanovo State District Power Station acts of wrecking were committed by the manager of the operating department, *Lobanov, A. T.*, in complicity with the foreman of the aforesaid power station, *Lebedev, V. P.*, the employee of Metropolitan-Vickers, the British subject *Nordwall, C.* and with other persons whose cases are being dealt with separately.

1. *Lobanov* organized the following breakdowns:

- a. systematically put out of action the motors of the chain gratings by breaking the feeder of these motors;
- b. deliberately allowed sand to get into the bearings of the mo-

tor of the feed pump of the boilers, as a consequence of which the motor was put out of action;

c. deliberately put out of action the motor of the smoke suction pump of boiler No. 5 by closing the ventilation of the motor;

d. for the purpose of disrupting the work of the power station he often deliberately switched off the house-feeders of the station.

As a result of these wrecking acts, the work of the station was interrupted and the supply of power to the factories and works dependent upon the Ivanovo State District Power Station was reduced.

2. The immediate perpetrator of the breakdowns enumerated in Section 1, paragraphs a and b, was *Lebedev*, acting on the instructions of *Lobanov*.

3. As a reward for the aforesaid wrecking acts, *Lobanov* received from *Nordwall* a bribe of 5,000 rubles, of which he gave about 300 rubles to *Lebedev*.

The crimes committed by *Lobanov*, *Lebedev* and *Nordwall* come under Articles 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

4. Independently of the aforesaid persons, but on the direct suggestion of *Thornton*, the foreman at the aforesaid Ivanovo State District Power Station, State employee *Zivert*, in 1931, delayed the installation of the transformer, as a reward for which he received from *Thornton* a bribe in two instalments amounting in all to 800 rubles.

The crimes committed by *Zivert* come under Articles 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R.

IV.

At the Mosenergo Power Stations wrecking was committed by the following persons:

Chief of the operating department of the First Moscow Electric Power Station, State employee *Sukhoruchkin*, *L. A.*;

Chief engineer of the thermo-dynamic group, turbine department of the Mosenergo, State employee *Zorin*, *N. G.*;

Chief of the repair and installation department at the First Moscow Electric Power Station, State employee *Krashennnikov*, *M. D.*

1. *Sukhoruchkin*:

a. During the period from 1928 to 1932, he conspired with *Thornton* to conceal serious defects in the equipment supplied by Metropolitan-Vickers, and also concealed defects in the installation

of this equipment, which led to a series of breakdowns, to the reduction of the working capacity of the station, and made it impossible to claim from Metropolitan-Vickers the corresponding compensation;

b. At the end of 1931, he personally for the purpose of causing a breakdown at the First Moscow Power Station caused a contact between the lead covering of the single phase cable of generators Nos. 26 and 27 and an iron rack. The breakdown was averted by the vigilance of the workers;

c. In 1930 and 1931, he frequently met *Thornton* and decided with him the methods to be employed to destroy the power station on the outbreak of war against the U.S.S.R.

2. *Zorin*:

In conspiracy with the aforesaid *Thornton* in 1931 and 1932, with the intention of causing damage to the industries of the U.S.S.R., carried out a number of wrecking measures at the First Moscow Power Station and at the Orekhovo Thermo-Power Station, concealed organic defects in the equipment supplied by Metropolitan-Vickers, which led to systematic breakdowns at these stations, reduced the working capacity of the equipment, increased the cost of operations and led to the loss of compensation claims.

3. *Krasheninnikov*:

During the period from 1928 to 1932, committed a number of wrecking acts at the First Moscow Power Station, concealed defects in equipment supplied by Metropolitan-Vickers, and defects in the installation of this equipment, which led to systematic breakdowns at this station and to the loss of compensation claims.

As a reward for these criminal acts, *Sukhoruchkin*, *Zorin* and *Krasheninnikov* received from *Thornton* bribes as follows: *Sukhoruchkin* – 2,000 rubles and 350 rubles in Torgsin cheques; *Zorin* – 1,000 rubles and *Krasheninnikov* – 500 rubles.

The crimes committed by *Sukhoruchkin*, *Zorin* and *Krasheninnikov* come under Article 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R., and other crimes committed by *Sukhoruchkin* come under Article 58-9 of the Criminal Code of the R.S.F.S.R.

V.

As is evident from the above-mentioned facts, the wrecking, counter-revolutionary activities of the aforesaid State employees of

power stations were connected with the criminal activity of certain employees of the private British firm of Metropolitan-Vickers.

The Court established the following:

1. The leading role among the employees of Metro-Vickers in the perpetration of counter-revolutionary crimes was played by *Thornton, L. C.*, chief installation engineer of the aforesaid firm, under whose direction acts of wrecking were committed at certain power stations of the U.S.S.R. by the firm's engineers and mechanics, the aforesaid British subjects, *MacDonald* and *Nordwall*, and also by engineer *Cushny*, and citizen of the U.S.S.R., *Oleinik, P. Y.*, a mechanic employed by the firm.

Through the medium of these persons as well as himself personally, *Thornton*:

a. entered into contact with counter-revolutionary groups of Soviet State employees of electric power stations and conspired with them (*Gussev, Sukhoruchkin, Zorin*) to cause breakdowns, to conceal defects in the equipment supplied by Metropolitan-Vickers (*Krashennnikov, Zivert*) and gave bribes to State employees as a reward for criminal acts they had committed;

b. engaged in military espionage on the territory of the U.S.S.R.; collected through *MacDonald, Cushny* and *Oleinik*, secret information of military importance, and in return for this information, through the aforesaid persons, gave bribes to Soviet State employees (*Gussev, Sokolov* and others).

The crimes committed by *Thornton* come under Articles 58-6, 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

2. The representative of the Moscow office of Metropolitan-Vickers, *Monkhouse*:

a. was informed of *Thornton's* activities in organizing breakdowns at these stations; in conjunction with counter-revolutionary wrecking groups of Soviet State employees of power stations.

b. was an accomplice in the giving of bribes to State employees of power stations to induce them to conceal defects in the equipment supplied by Metropolitan-Vickers and also to conceal defects in the installation of this equipment, which led to breakdowns.

The crimes committed by *Monkhouse* come under Articles 58-7, 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

3. The executor of *Thornton's* wrecking instructions at the Baku Power Station was the Metro-Vickers installation engineer, *Cushny*, who in 1928 organized at this station the breakdown of

turbine No. 11 and who collected secret information of a military nature in order to communicate it to *Thornton*.

The crimes committed by *Cushny* come under Articles 58-6, I 58-9 and 58-11 of the Criminal Code of the R.S.F.S.R.

4. The executor of *Thornton's* criminal instructions at a number of power stations (First Moscow Power Stations, *Makeyevka*, *Motovilikha*) was the employee of the Moscow office of Metro-Vickers, citizen of the U.S.S.R., *Oleinik*, who:

a. systematically concealed defects in the equipment supplied by Metropolitan-Vickers, which led to a series of breakdowns and

b. collected secret military information and recruited agents for *Thornton*.

The crimes committed by *Oleinik* come under Articles 58-6, 58-7 and 58-11 of the Criminal Code of the R.S.F.S.R.

5. *Kutuzova, A. S.*:

While employed as secretary in the Moscow office of Metropolitan-Vickers, knew of the counter-revolutionary work of the aforesaid employees of this firm, systematically handed over and sent monetary rewards to certain of the members of counter-revolutionary groups of State Soviet employees of power stations in return for their espionage and wrecking activities.

The crimes committed by *Kutuzova* come under Articles 58-6 and 58-11 of the Criminal Code of the R.S.F.S.R.

VI.

On the basis of the aforesaid, in view of the circumstances of the cases, the degree of guilt of each of the aforesaid persons as established by the Court, and on the basis of the decree of the Central Executive Committee of the U.S.S.R., of March 14, this year, by which State employees guilty of wrecking are regarded as traitors to their fatherland and must be held more strictly responsible than employees of private enterprises, the Court sentences:

I

1. *Gusse, Vassily Alexeyevich*,

2. *Sukhoruchkin, Leonid Alexeyevich*,

3. *Lobanov, Alexander Timofeyevich*, State employees, citizens of the U.S.S.R., to ten years' deprivation of liberty with loss of

rights for five years and confiscation of all their property. In selecting this measure of repression instead of the sentence of shooting, the Court was guided exclusively by the fact that the criminal wrecking activities of the aforesaid convicted persons bore a local character and did not cause serious damage to the industrial power of the U.S.S.R.

II

4. *Sokolov, Vassily Andreyevich*,

5. *Zorin, Nikolai Grigorievich*,

6. *Kotlyarevsky, Moisei Lvovich*, State employees, citizens of the U.S.S.R., for the same reason as above, to eight years' deprivation of liberty with the aforesaid consequences.

III

7. *Krashennnikov, Michael Dmitrievich*, State employee, citizen of the U.S.S.R., for the same reason as above, to five years' deprivation of liberty with loss of rights for five years, without confiscation of property.

IV

8. *Lebedev, Vyacheslav Petrovich*, State employee, citizen of the U.S.S.R., taking into consideration that he was merely a tool in the hands of *Lobanov* and guided by Article 51 of the Criminal Code of the R.S.F.S.R., the Court sentences him to two years' deprivation of liberty without loss of rights and without confiscation of property.

V

The employees of the Moscow office of Metropolitan-Vickers.

9. British subject, *Thornton, Leslie Charles*, to three years' deprivation of liberty.

10. In the case of British subject, *MacDonald, William Lionel*, in so far as he acted on the direct instigation of his immediate superior, *Thornton*, on the one hand, and in view of his frank confession to his criminal acts at the Court, on the other, and by virtue of Arti-

cle 51 of the Criminal Code of the R.S.F.S.R., the Court decides to commute the measure of repression demanded by the law to two years' deprivation of liberty.

In the cases of British subjects:

11. *Monkhouse, Allan*,

12. *Nordwall, Charles*, in so far as they did not take a direct part in causing breakdowns at the power stations, and

13. *Cushny, John*, in view of the lapse of time since the crime, of which he is guilty, was committed (1928) and by virtue of Article 51 of the Criminal Code of the R.S.F.S.R., the Court decides to confine itself to ordering their deportation from the territory of the U.S.S.R. and to prohibit their entry into the U.S.S.R. for a period of five years.

The convicted *Monkhouse*, *Nordwall* and *Cushny* must leave the territory of the U.S.S.R. within three days from the moment of the passing of this sentence.

14. *Oleinik, Peter Yermeyevich*, citizen of the U.S.S.R., taking into consideration the fact that he was subordinate to *Thornton* and that he was an employee of a private firm, the Court decides that he be sentenced to three years' deprivation of liberty without loss of rights and without confiscation of property.

15. *Kutuzova, Anna Sergeyevna*, citizen of the U.S.S.R., for the same reasons as above, to be sentenced to eighteen months' deprivation of liberty, without loss of rights and without confiscation of property.

In regard to all the convicted, the period of preliminary confinement shall be counted as part of the period of deprivation of liberty.

VI

16. In the case of *Zivert, Yuri Ivanovich*, State employee, citizen of the U.S.S.R., taking into consideration that by the work he has done since 1931 he has proved that he has sincerely broken off all connections with the wreckers, and by virtue of Article 8 of the Criminal Code of the R.S.F.S.R., the Court decides that no measures of repression be applied to him and that he be released.

17. *Gregory, Albert William*, British subject, in view of the inadequacy of the evidence the Court decides that he be acquitted.

The judgment is final, is not subject to appeal, and goes into ef-

fect immediately.

[Signed] V. V. ULRICH
President of the Special Session of the
Supreme Court of the U.S.S.R.
L. K. MARTENS
G. A. DMITRIEV
Members of the Court

Moscow
April 19, 1933
1 a.m.

The President: Comrade Commandant, take the accused Thornton in charge and release the accused Zivert. Secretary, take a written guarantee from the accused Nordwall, Monkhouse and Cushny to the effect that they will leave the U.S.S.R. within three days from the time of the reading of the verdict.

I declare the proceedings of the Special Session of the Supreme Court closed.

[Signed] V. V. ULRICH
President of the Special Session of the
Supreme Court of the U.S.S.R.
A. F. KOSTYUSHKO
Secretary